

# Guide for Bylaw Development in Farming Areas



BRITISH  
COLUMBIA

Ministry of  
Agriculture

2013



# GUIDE FOR BYLAW DEVELOPMENT IN FARMING AREAS



OCTOBER 2013



## AUTHORS

BERT VAN DALFSEN, P.ENG.

ALISON FOX, P.AG.

HANNAH CAVENDISH-PALMER, MPP

JIM LEMAISTRE, P. AG.



Ministry of  
Agriculture

#### ACKNOWLEDGEMENTS

The authors wish to acknowledge staff of the Ministry of Agriculture, Agricultural Land Commission, BC Farm Industry Review Board, Ministry of Community, Sport and Cultural Development and several local governments who provided comments on draft versions of this document. This document is based on the original version published in 1998 which was prepared by Dave Sands, Karen Thomas and Barry Smith.

ISBN 978-0-7726-6736-6

---



# Table of Contents

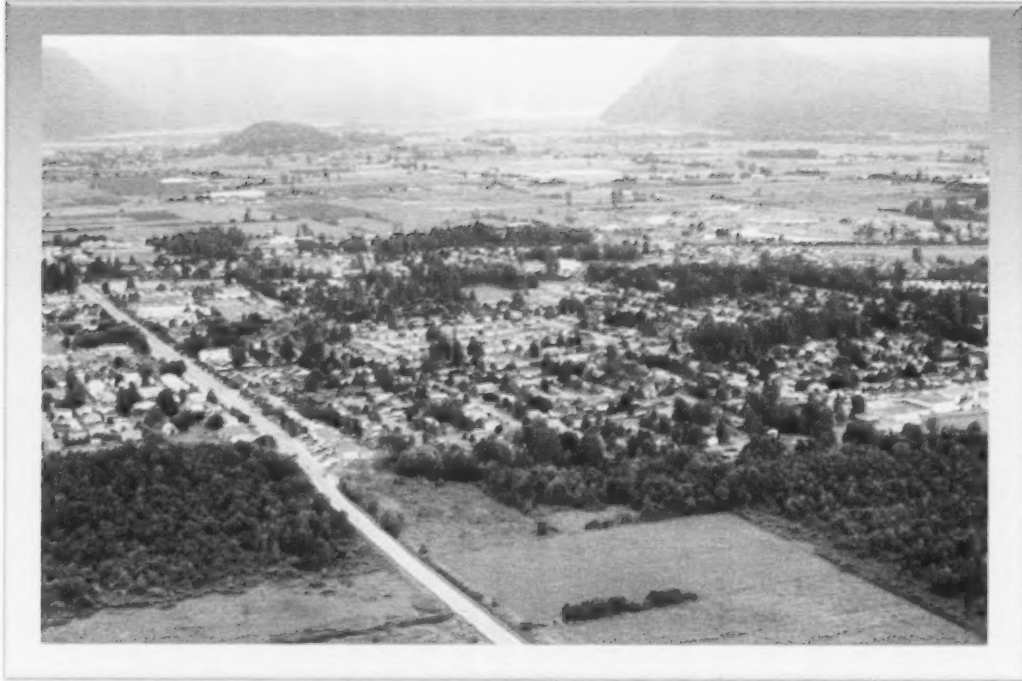
Part 1	Introduction .....	1
1.1	What is the purpose of this guide and what are Minister's Bylaw Standards ? ...	3
1.2	Why are Minister's Bylaw Standards Important ? .....	5
1.3	How is this guide organized ? .....	6
Part 2	Minister's Bylaw Standards .....	7
2.1	How should local governments use the Minister's Bylaw Standards ? .....	9
2.2	Can a local government vary from the Minister's Bylaw Standards ? .....	9
2.3	How are the Minister's Bylaw Standards developed ? .....	10
2.4	The Minister's Bylaw Standards .....	11
2.4.1	Zoning Designations .....	11
2.4.2	Permitted Uses .....	12
2.4.3	Off-Street Loading and Parking .....	12
2.4.4	Minimum Lot Size .....	13
2.4.4.1	Minimum Lot Size for Subdivision .....	13
2.4.4.2	Minimum Lot Size for Specific Commodity Use .....	14
2.4.5	Lot Coverage .....	14
2.4.5.1	Lot Coverage Exclusions .....	14
2.4.5.2	Stormwater and Agricultural Liquid Waste Management Plans .....	14
2.4.6	Siting and Size of Residential Uses .....	14
2.4.6.1	Options for reducing residential impacts .....	15
2.4.6.2	Siting of Farm Residential Uses .....	15
2.4.6.3	Size of Farm Residential Footprint .....	15
2.4.6.4	Size of Farm Residence (House Size) .....	16
2.4.6.5	Criteria .....	16
2.4.7	Height Limitations .....	18
2.4.8	Setbacks .....	18
2.4.8.1	Setbacks from Edge Lot Lines .....	19
2.4.8.2	Setbacks from Farm Residences .....	19
2.4.8.3	Setbacks from a Potential Flood Area .....	19

Summary Table.....	19
2.4.8.4 Setbacks from Watercourses.....	22
Summary Table.....	30
2.4.9 Temporary Farm Worker Housing .....	32
2.4.9.1 Farm Class.....	32
2.4.9.2 Minimum Farm Unit Size .....	32
2.4.9.3 Maximum Useable Floor Area .....	32
2.4.9.4 Maximum Number of Workers .....	33
2.4.9.5 Housing Type .....	33
2.4.9.6 Farm Residential Footprint or Setbacks .....	33
2.4.9.7 Time and User Restrictions.....	34
2.4.9.8 Financial Guarantee for Building Removal or Decommissioning .....	34
2.4.9.9 Other Considerations .....	35
2.4.10 Combined Heat and Power Generation at Greenhouses (CHP or Cogeneration) .....	35
2.4.10.1 Farm Class.....	35
2.4.10.2 Fuel Type.....	36
2.4.10.3 CHP Capacity .....	36
2.4.10.4 Maximum CHP Capacity.....	36
2.4.10.5 CHP Efficiency .....	36
2.4.10.6 Heat Storage.....	36
2.4.10.7 Emissions .....	36
2.4.10.8 Nuisance.....	36
 Part 3 Farm Bylaw Standards and Bylaw Approval for Regulated Local Governments.....	 37
3.1 What does it mean to be regulated under Section 918 ?.....	39
3.2 How does a community become regulated under Section 918 ? .....	40
3.3 What is a Farm Bylaw Standard? .....	41
3.4 How does the bylaw approval process work ?.....	41
Diagram 1 Farm Bylaw Review Process .....	43
3.5 Farm Bylaw Standards available to regulated local governments.....	44
3.5.1 Audible Bird Scare Devices.....	44
3.5.2 Mushroom Farms and On-Farm Composting .....	44
3.5.2.1 Setback Distances.....	44

3.5.2.2	Stormwater Management.....	45
3.5.2.3	Wastewater Management.....	45
3.5.2.4	Raw Material Storage and Blending.....	45
3.5.2.5	Composting Process.....	46
3.5.3	Farm-side Edge Planning .....	47
Part 4	Definitions.....	49
Definitions	.....	51
Appendix A:	Resources.....	67
Further Resources	.....	69
Siting and Size of Residential Uses	.....	69
Temporary Farmworker Housing	.....	69
Combined Heat and Power Generation at Greenhouses	.....	69
Guide to Edge Planning	.....	69



# Part I Introduction







## 1.1 What is the purpose of this guide and what are Minister's Bylaw Standards ?

The challenge of preserving farming in British Columbia grows with each passing year. Only 5% of the province is in the Agricultural Land Reserve (ALR). These lands face increasing pressure not only from urban development but also from competing resource uses.

Local government plans and bylaws have a critical role to play in developing a fair and supportive regulatory climate for agriculture and aquaculture. With this understanding, several planning opportunities for farming are in place for local governments in accordance with the *Farm Practices Protection (Right to Farm) Act* (FPPA), the *Local Government Act*, and the *Land Title Act*. The *Local Government Act* is the most relevant to this guide because it allows for the creation of provincial standards that will assist local governments in their planning and regulation of farming areas under Section 916(2). This guide also describes Farm Bylaw powers available to local governments under Section 917. For more information on relevant legislation, please visit our Key Legislation webpage.

The *Guide for Bylaw Development in Farming Areas* offers standards for developing and amending bylaws affecting farming areas (land in the ALR, land zoned for agriculture, and land affected by a valid and subsisting aquaculture license under the *Fisheries Act*). It also provides general information for handling other planning issues involving agriculture.

### About the authors

This Guide is produced by the Strengthening Farming Program of the Ministry of Agriculture (AGRI). This program works with local governments and the agriculture industry to:

- strengthen farming in a manner that takes agricultural and urban interests into account,
- ensure farming's place in planning processes, and
- ensure farmers and ranchers can continue to operate in the ALR.

The Program has two components: farm practices protection and local government planning for agriculture. The *Farm Practices Protection Act* gives protection to farmers from nuisance suits and local bylaws. It established the Farm Industry Review Board as a mechanism to resolve complaints about farm practices.

The *Land Title Act* allows approving officers to consider the buffers and road pattern of subdivisions near farmland. The *Local Government Act* encourages policy plans and zoning bylaws that support farming. It also adds a role for the Minister of Agriculture to establish bylaw standards to guide local governments.

These two components expand on the Provincial interest in protecting farmland through the creation of the Agricultural Land Reserve in 1973. For more information, visit the Strengthening Farming website at:  
<http://www.al.gov.bc.ca/resmgmt/sf/>

### What is agriculture?

The terms agriculture and farming are used interchangeably in this document. Agriculture is the use of land, buildings, and structures for any of the following:

1. growing, producing, raising or keeping animals and plants, including apiculture, poultry and the growing of mushrooms and the primary products of those plants or animals, but does not include the breeding of pets or operating a Kennel;
2. cultivation in plantations of any specialty wood crops or specialty fibre crops prescribed by the Minister responsible for Agriculture;
3. turf production with approval under the *Agricultural Land Commission Act*, if required;
4. raising or keeping of farmed game by a person licensed to do so under the *Game Farm Act*;
5. raising or keeping of fur-bearing animals by a person licensed to do so under the *Fur Farm Act*;
6. raising or keeping of exotic animals prescribed by the Minister responsible for Agriculture;
7. a British Columbia licensed winery or cidery, provided that the use is in accordance with all conditions in the *Agricultural Land Commission Act*, as amended from time to time and all regulations or orders pursuant thereto;
8. the following farm activities to enable uses (1) to (7) above of the farm on that Lot:
  1. clearing, draining, irrigating, or cultivating land;
  2. using farm machinery, equipment, devices, materials, and structures;
  3. applying fertilizers, manure, pesticides, biological control agents, including ground and aerial spraying; and
  4. storage of Agricultural Products and the products of On-farm Processing and On-farm Product Preparation.

This definition is based on the activities considered farm uses in the ALR Use, Subdivision and Procedure Regulation. More definitions are located in **Part 4** of this guide.

These standards, also known as the Minister's Bylaw Standards, relate mainly to zoning bylaws. The standards are written such that they can be adapted to any farming area, although there is likely to be variation in the way they are utilized, depending on the needs of different local governments.

The Strengthening Farming Program is continually updating the existing standards and creating new ones. Please contact **Ministry** staff if you have questions about whether your bylaws meet these standards or to suggest edits or new standards. Also, whenever possible, please refer new draft or proposed bylaws affecting farming areas to the Strengthening Farming Program for comment so that they can ensure these standards stay current.

Local governments are encouraged to adopt these standards to promote consistency amongst local governments for the benefit of the farming community. However, communities regulated under Section 918 of the Local Government Act are expected to comply with these standards and also have the ability to utilize Farm Bylaw Standards, which are Minister's Bylaw Standards for regulated communities. Part 3 of this guide provides more information on that topic.

## 1.2 Why are Minister's Bylaw Standards Important ?

Today, farming occurs in almost every settled part of BC, and much of this activity takes place next to urban and suburban areas. However, most British Columbians no longer have direct contact with a farm or with the farm community. As a result, their views about farming may be based on more traditional concepts of rolling green fields and idyllic life-styles. The reality of farming is often very different. Farms today range in size from small or moderate, to very large business operations. These operations generate income for farming families, put millions of dollars and thousands of jobs annually into the local economy, provide high quality food, and contribute to the well-being of British Columbians. Like all businesses, farms require a significant commitment of resources and expertise from their owners.

Some farming activities may generate what is perceived by the non-farming community as disturbances, even though they may be normal and widely-accepted farming activities. Such activities can include noise from machinery, bird-scaring equipment, frost protection *wind machines*<sup>1</sup>, bright lights in greenhouses, odours from manure spreading, and the spraying of crops. Even the utilitarian farm buildings and structures can be perceived as a disturbance, such as when they block neighbours' views. However, these activities, buildings, and structures are necessities of farming and are a part of agricultural production, wherever we find it.

Currently, BC produces the equivalent of about one-half of the province's food requirements. There is a tremendous potential to expand the province's agricultural output so that it plays a greater role in feeding British Columbians and in enhancing the prosperity of farm families and communities across the Province. In order to accomplish this goal, our farmers need to be able to use farmland and water efficiently and effectively without unnecessary or unfair restrictions. It is important that we create a stable environment for the farming community to encourage long term commitment and investment. The Minister's Bylaw Standards have been created for this purpose.

Although the responsibility for community planning is delegated to local governments, the Minister of Agriculture is responsible for ensuring that local government bylaws respect the provincial interest in *agriculture* and *aquaculture*. Therefore, AGRI and Agricultural Land Commission staff work with local governments during planning and bylaw processes, create standards to guide local governments in bylaw development in farming areas, and facilitate ministerial review and approval of bylaws.

In broad terms, the provincial interest in local government planning and bylaws relative to *agriculture* and *aquaculture*, can be defined as follows:

- Protecting BC's present and future *agriculture* resource base for food production and other farming uses;

<sup>1</sup> Terms in italics are defined in Part 4 – Definitions

### Looking for more information on planning for agriculture?

For more information on best practices, check out *Planning for Agriculture*, published by the ALC and AGRI's Planning for Agriculture webpage: <http://www.al.gov.bc.ca/resmgmt/sf/planag/index.htm>

- Ensuring that farming and *aquaculture* receive fair and consistent treatment in local government planning and bylaw processes, and encouraging local governments to plan effectively for these industries;
- Protecting farmers and aquaculturalists operating under "normal farm practices" from unwarranted nuisance suits or court injunctions and encouraging compatibility between farming and other land uses to reduce conflicts;
- Ensuring that farmers utilize sustainable practices.

Ensuring compatibility between different land and resource uses requires a shared vision based upon partnerships, where settlement and resource planning are integrated in a meaningful way. One of the goals of this guide is to encourage strong partnerships between the Province, local governments and the farming industries so that all groups can develop a common vision for the long term sustainability of BC farming.

### 1.3 How is this guide organized ?

This guide is divided into four sections:

- **Part 1: Introduction**
  - This section explains the purpose of the guide and why it is important.
- **Part 2: Minister's Bylaw Standards**
  - The second section covers how the standards were developed, how to use them, and includes the standards themselves.
- **Part 3: Farm Bylaw Standards For Regulated Local Governments**
  - The third section discusses Farm Bylaws Standards and the other tools available only to local governments that have been regulated under Section 918 of the *Local Government Act*.
- **Part 4: Definitions**
  - The fourth section provides definitions relevant to *agriculture* for use by local government planners when writing bylaws.

The information in previous versions of the Guide that related to specific agricultural commodities, activities and issues has been moved to the Ministry of Agriculture's Farm Practices Reference Guide where it is dealt with in greater detail.



## Part 2 Minister's Bylaw Standards







## 2.1 How should local governments use the Minister's Bylaw Standards ?

The Minister's Bylaw Standards have been created to promote consistency among local governments in their treatment of farming activities and to minimize conflict around agricultural uses. They are intended to guide the development of local government bylaws in *farming areas*.

All local governments are encouraged to incorporate these standards into their bylaws. However, communities regulated under Section 918 of the *Local Government Act* are expected to achieve consistency with the Bylaw Standards. They also have the ability to regulate and even prohibit farming and farm practices in identified areas subject to the approval of the Minister responsible for the *Farm Practices Protection Act*. Part 3 of this guide provides more information on that topic and s. 903(5) and 915-918 of the *Local Government Act*.

Those that are not regulated under Section 918 should consider the possible application of the standards (in Part 2) and are required to adhere to Section 915 of the *Local Government Act*, which allows intensive agricultural uses in the Agricultural Land Reserve (ALR) regardless of whether or not these uses are permitted by the applicable zoning bylaw. The Ministry of Agriculture (AGRI) and the Agricultural Land Commission (ALC) are available upon request to provide assistance and advice on bylaws and plans that affect *farming areas*.

Please get in contact with the nearest Regional Agrologist if you have questions about whether your bylaws meet these standards or to suggest edits or new standards. Also, whenever possible, please refer new draft or proposed bylaws or bylaw amendments affecting *farming areas* to the AGRI Strengthening Farming Program for comment so that they can ensure the current standards are used.

## 2.2 Can a local government vary from the Minister's Bylaw Standards ?

These standards are designed to encourage a wide variety of farming opportunities in *farming areas* across the province. However, there may be instances when local governments wish to vary from them. When this occurs, the local government should first contact the AGRI Strengthening Farming Program to discuss the situation and consider:

1. the existing situation and why the current standards are not adequate or appropriate;
2. the impact of variation on existing and future *farm operations* such as the elimination of potential production areas or the creation of a non-conforming situation for existing farms;
3. possible mitigation measures to ensure that farming potential is not lost as a

- result of variation from the standards;
- 4. the most effective regulatory tool to use to obtain the desired result.

There are two basic ways to vary from the standards:

- a. moderate variation allowing the local government to more closely address the needs of a certain area are applied to a Zoning Bylaw, or through use of a development variance permit;
- b. substantial variation focussed on restricting *farm operations* can be dealt with by using a Farm Bylaw, for which a local government would first need to be regulated under section 918 of the *Local Government Act*.

If it is determined that variation is needed, consultation with the farming industry, Ministry and Agricultural Land Commission staff should occur during bylaw development.

## 2.3 How are the Minister's Bylaw Standards developed ?

The Minister's Bylaw Standards were first created in the late 1990s and today, the Strengthening Farming Program continually updates existing standards and creates new ones. This process involves the following activities:

- 1. reviewing relevant provincial and federal legislation to ensure that the standards and definitions are consistent with other legislation;
- 2. reviewing Zoning Bylaws from various parts of the province and documenting the definitions and standards being applied to *farming areas*;
- 3. holding meetings and workshops with the BC agricultural industry, local government staff and other stakeholders to discuss realistic standards;
- 4. reviewing ALC policies and AGRI's Farm Practice Reference Guide.

Various factors are considered during the development of the standards to ensure that they encourage a wide variety of farming opportunities in the ALR and promote long term compatibility between differing land uses. These factors include:

- 1. **The agricultural capability of farming areas.** With only 5% of the provincial land base in the ALR, it is important that further regulation of this land base does not hinder farming, its intended primary use. Therefore, the standards have been developed to allow the largest number of agricultural options over the largest area of the ALR, now and in the future. Given the important role of non-soil based *agriculture* in BC, agricultural capability is *not determined* solely by soil quality and climate. Parcel size, proximity to markets, local government regulations, and the presence of Crown land can also influence the types of farms that are possible in a specific area.

**2. The need for a range of setback distances.** These dimensions have been established to:

**a. minimize non-conformity**

Setback distances from lot lines for farm buildings and structures vary among local governments. In order to minimize the creation of uses that do not conform to existing bylaws, a range in certain bylaw standards is indicated. For example, some setback standards are set at 15-30 metres. Establishing a setback anywhere within this range will be considered consistent with the standard.

**b. take different commodities into account**

For example, the setback for a closed principal farm building housing poultry from an exterior lot line may be set at 15 metres, while the setback for an open confined livestock area for beef from an exterior lot line may be more appropriately set at 30 metres.

**3. Other farm-related factors commonly dealt with in Zoning and other Local Government Bylaws**

- definitions
- minimum parcel size
- lot coverage
- type of farm use, *building, structure* or area
- lessening impacts along *agriculture's* interface with differing land uses<sup>2</sup>
- setback distances
- *stormwater* management
- height of *buildings*
- irrigation
- off-street loading and parking
- *on-farm composting*
- on-site domestic sewage systems
- *open burning*
- residential uses
- waste management

## 2.4 The Minister's Bylaw Standards

### 2.4.1 Zoning Designations

The principal intended use within the ALR is *agriculture*. Zoning should reflect this understanding and, wherever possible, a *single* agricultural zone should be applied to the ALR.

There may be situations, however, where more than one zone is necessary. Some examples include where there are significantly different agricultural landscapes, such as floodplains and upland areas, or where non-farm uses (either old uses or newer ones which have been approved by the ALC ) are present. Non-farm uses that may require accommodation include cemeteries, parks, fire halls, and schools. When non-

<sup>2</sup> The BC Ministry of Agriculture advocates shared responsibility between the urban and farm side of the interface. Urban-side edge planning should not be undertaken without also implementing farm-side edge planning and vice versa. Farm-side edge planning is available only to regulated local governments. See the Guide to Edge Planning for more information.

agricultural zoning is required to reflect non-farm uses, the zone should be as specific as possible in order to prevent further encroachment of non-farm uses on agricultural land, even to the point of split-zoning the lot.

## 2.4.2 Permitted Uses

In accordance with ALC policy and regulations, the following uses or *structures* should be permitted in a *farming area*:

1. *Agriculture*
2. Single Family Dwelling (see Section 2.4.6 and Appendix A for more resources on regulating the siting and size of residential uses in the ALR)
3. Accessory Dwelling for Farm Workers (Refer to ALC Policy #9/2003)
4. *Temporary Farmworker Housing* (see Section 2.4.9 for standards relating to *Temporary Farmworker Housing* and Appendix A for more resources on the standards).

The following accessory uses can be permitted in the ALR by a local government:

5. Accessory Home Occupation Use  
(Refer to ALR Use, Subdivision and Procedure Regulation and Policy #7)
6. Accessory Bed and Breakfast Use  
(Refer to ALR Use, Subdivision and Procedure Regulation and Policy #6)
7. Accessory Agri-tourism Accommodation  
(Refer to ALR Use, Subdivision and Procedure Regulation and Policy #5)
8. *Direct Farm Marketing Uses*  
(Refer to ALC Policy #2/2003)

The following uses may also be permitted where there is some commodity production on lots which make up a *farm unit* and if ALR regulations are met or approval from the ALC is obtained:

- a) *On-Farm Composting Use* (see ALR Use, Subdivision and Procedure Regulation)
- b) *On-Farm Processing Use* (see ALR Use, Subdivision and Procedure Regulation)
- c) *On-Farm Product Preparation Use*
- d) *On-farm soil-less medium production Use*
- e) *On-Farm Storage Use*

NOTE: *Non-farm uses should not be permitted unless approved by the ALC. If various non-farm uses are listed in a bylaw as potentially acceptable, a note should be provided to advise the reader that ALC approval is still required.*

## 2.4.3 Off-Street Loading and Parking

When any *farm building* or *farm structure* is being erected or enlarged and off-street loading areas are required, an area for off-street loading should be provided on the same site as the *building* or *structure*. Each off-street loading site should have vehicular access to a public *street* or *lane*. The length of the loading space must be such that a vehicle in the process of loading or unloading does not project into any *street*, *lane* or public thoroughfare. Off-street loading spaces and parking facilities should not be



required to be covered by a permanent, impervious surface. Permeable surfaces should be allowed.

Off-street parking facilities should be adequate enough to service the farm and address all activities conducted on the farm, including the provision of sufficient parking for employees and, where applicable, customers.

Off-street parking spaces should be required for all commodities that undertake *direct farm marketing* and provided in accordance with the following standards:

Produce Stands:	One (1) parking space per 20 square metres of <i>direct farm marketing area</i> .
Greenhouses:	One (1) parking space per 15 square metres of <i>direct farm marketing area</i> .
Nurseries:	One (1) parking space per 20 square metres of <i>direct farm marketing area</i> .

## 2.4.4 Minimum Lot Size

### 2.4.4.1 Minimum Lot Size for Subdivision

Minimum lot size provisions for land in the ALR will vary by region. Subdivision should be considered only where it will enhance farming opportunities.

Assigning a minimum lot size to ALR land will vary depending on the area of the province as what may be relevant in one area may be inappropriate elsewhere. There are many instances where land has been divided into smaller parcels than is helpful for agriculture in most regions of the province. Since small parcel sizes may limit the range of agricultural uses, it is recommended that local governments establish the largest possible lot size for land in the ALR. This will provide for a wider range of farming opportunities and discourage expectations for subdivision in the future. Wording that could be incorporated into a bylaw is suggested below.

*"Where land is in the agricultural [or other] zone and in the ALR, the minimum lot size of [ ] hectares shall apply when the land is:*

- *excluded from the ALR; or*
- *approved for subdivision within the ALR pursuant to the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission; or*
- *exempted by the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission."*

This wording is based on that found in the ALC publication ALR and Community Planning Guidelines.

#### 2.4.4.2 Minimum Lot Size for Specific Commodity Use

Minimum lot size requirements for a specific commodity in the ALR should not be required. Concerns regarding specific commodities can be addressed by the existing lot size and by meeting criteria such as adequate setbacks, maximum lot coverage, and adherence to normal farm practices and environmental standards established through legislation such as the *Environmental Management Act*, *Integrated Pest Management Act*, and *Public Health Act*. In that way, a wider range of options for agricultural activities is possible. Additional tools in the form of a Farm Bylaw (see Part 3) are also available to address nuisance concerns. For example, instead of requiring a specified lot area or number of animals per hectare, a local government could use a Farm Bylaw to specify *manure* management techniques.

#### 2.4.5 Lot Coverage

Bylaws should not restrict the area of a lot which may be covered by *buildings* and *structures* for farm use, to an area less than 35% or less than 75% for *greenhouses*.

*Confined livestock areas* related to a primary use are included in the lot coverage restriction.

##### 2.4.5.1 Lot Coverage Exclusions

The following *farm structures* should be exempt from lot coverage restrictions:

1. permeable *detention ponds*;
2. support *structures* used for shading, frost and wind protection, netting, or trellising.

Residential lot coverage is not included in the 35/75% restriction and should be restricted by being contained within a *farm residential footprint* as discussed in Section 2.4.6 and in the paper *Regulating the Siting and Size of Residential Uses In the ALR* (see Appendix A).

##### 2.4.5.2 Stormwater and Agricultural Liquid Waste Management Plans

Where the total impervious area of *farm buildings* and *structures* exceeds 3,700 square metres (approximately 40,000 square feet) or covers more than 10% of a lot or contiguous lots, *stormwater* and *agricultural liquid waste* management plans should be considered and developed as necessary.

#### 2.4.6 Siting and Size of Residential Uses

This part outlines criteria for the regulation of residential uses in the ALR. The purpose and goals of regulating the siting and size of residential uses served as a foundation for creating the criteria and include:

- a) not restricting agricultural activities;



- b) directing the largest residential uses in a community to *non-farming areas*;
- c) minimizing the impact of residential uses on farm practices and farming potential in *farming areas*;
- d) minimizing loss and/or fragmentation of farmland due to residential uses; and
- e) minimizing the impact of residential uses on increasing costs of farmland.

Information from the consultation process helped build the criteria along with AGRI and ALC staff input, which served to add a broad-based perspective. It is acknowledged that different communities have different circumstances. Please see Appendix A for further resources on the development of the standards.

#### 2.4.6.1 Options for reducing residential impacts

Three options have been identified for addressing residential impacts. These are:

- regulating the siting of residential uses,
- restricting the size of the *farm residential footprint*, and
- restricting the size of the *farm residence*.

Regulating the siting of farm residential uses is likely the simplest, most effective method of limiting the negative impacts of residential uses on farming in the ALR. Requiring residential development to be located adjacent to the road frontage, in most cases, provides the greatest protection for agricultural areas, by reducing potential conflicts between farm and residential uses, thereby improving farm efficiency. Residential development can also make the use of farm equipment and farm management more difficult and inefficient on that lot.

Restricting the size of the *farm residential footprint* has a greater impact on the alienation of farmland than the actual *residence* size and is the second most important criteria. While limiting the size of the *residence* does have a significant benefit in reducing the impact on farmland prices, it is considered to be of lesser importance compared to the siting of residential uses and the size of the *farm residential footprint*.

#### 2.4.6.2 Siting of Farm Residential Uses

The siting of residential uses involves both siting of the *farm residence* as well as the *accessory farm residential facilities*. Generally, a simple maximum setback from the roadway is used together with the minimum setbacks to the *lot lines* already in a local government's zoning bylaw. It is recommended that the setback for the *farm residential footprint* be larger than that for the *farm residence* to allow for a backyard and to avoid farming right up to the back wall of the *residence*. The maximum setback for the *farm residence* would be measured to the back wall (farthest from the road frontage). If a property has more than one *lot line* with road frontage, then the setbacks would be measured from one road frontage only, at the owner's choice.

#### 2.4.6.3 Size of Farm Residential Footprint

Three general approaches have been identified for limiting the size of the *farm residential footprint*:

- a) The preferred approach is to establish farm residential footprint size commensurate with urban or suburban lot areas. At present, density provisions in most land use bylaws are related to lot size. Because lots are generally larger in rural areas, larger *residences* can generally be built in such areas. Accordingly, the largest residential uses in a community are commonly directed to the ALR. Bearing in mind that the priority use in the ALR is farming, permitted residential development should be no larger than that permitted in zones specifically set aside for residential development. The maximum farm residential footprint in the ALR should be less than or, at least, not more than, that permitted in other zones in the community where the primary use is residential. However in some communities, the *urban area* lot sizes are much smaller than what would be considered appropriate in rural areas. There may not be significant rural areas outside the ALR to serve as an alternative to locating in the ALR. In this case, placing a cap on residential footprint size in the ALR will place limits on the development of country estates on farmland even if the cap is larger than the lot sizes typically available in *urban areas*.
- b) Establish farm residential footprint size as a percentage of the lot size (within limits). Many local governments limit house size in *urban areas* using lot coverage. In rural areas, local governments have used lot coverage to limit the area covered by *farm buildings*. The same approach could be used to restrict *farm residential footprints*, although limits will be required to ensure a minimum sized footprint is possible on very small parcels and a maximum sized footprint is imposed on very large parcels so that the impacts on farming are minimized. Another option would be to set footprints based on parcel size, for example, smaller footprints on parcels less than 8 hectares.
- c) Set a specific farm residential footprint. Setting a single footprint size would provide greater consistency between communities and across the province.

#### 2.4.6.4 Size of Farm Residence (House Size)

The same three approaches described for *farm residential footprint* could be applied to house size.

#### 2.4.6.5 Criteria

These criteria are recommended as the minimum level of regulation by a local government. Local governments can choose to be more restrictive of residential uses in the ALR. Local governments may choose to be less restrictive in areas outside the ALR, in part to encourage the largest residential uses to be located outside the ALR.

##### 2.4.6.5.1 Maximum Road Setbacks (Siting)<sup>3</sup>

The *farm residential footprint* is to be located close to the *street* (public road), either at the front (*front lot line*) or the side (*exterior lot line*), if it is a corner lot.

<sup>3</sup> In cases where a property owner cannot meet the maximum road setbacks due to parcel configuration, steep slopes, access to utilities etc, an application can be made for a Development Variance Permit or an appeal made to the local government's Board of Variance. Use or density changes would require a rezoning application. Suggested criteria for variance are in Appendix A.

1. The maximum setback from the *front lot line* to the rear or opposite side of the *farm residential footprint* is 60 metres, and
2. The maximum setback from the *front lot line* to the rear of the *principal farm residence* or *additional farm residence* is 50 metres to allow for a 10 metre deep back yard.
3. Lots narrower than 33 metres are exempted from the 60 metre maximum setback (for the *farm residential footprint*) from the *front lot line*, however, the footprint must fill the front of the lot to a maximum of 2000 m<sup>2</sup> (refer to Figure 2). There is no exemption for the 50 metre maximum setback for the *residence*.
4. Lots greater than 60 hectares<sup>4</sup> are exempted from the maximum road setbacks for the *residence* and the *farm residential footprint*.

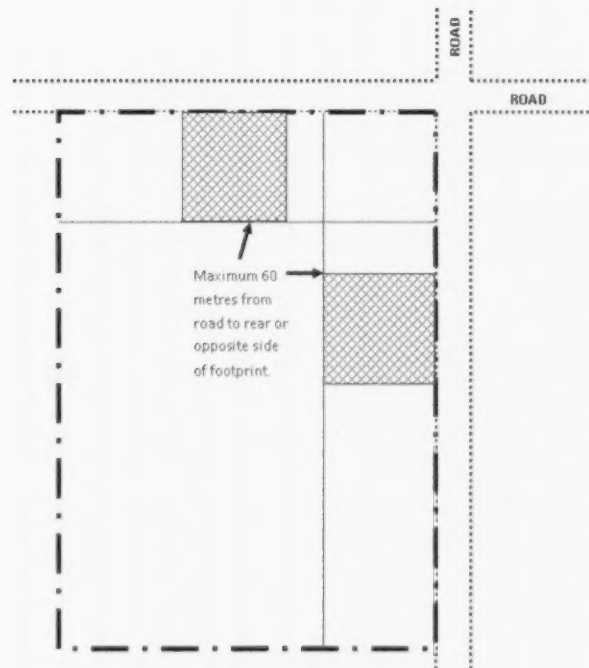


Figure 1 Maximum Road Setbacks

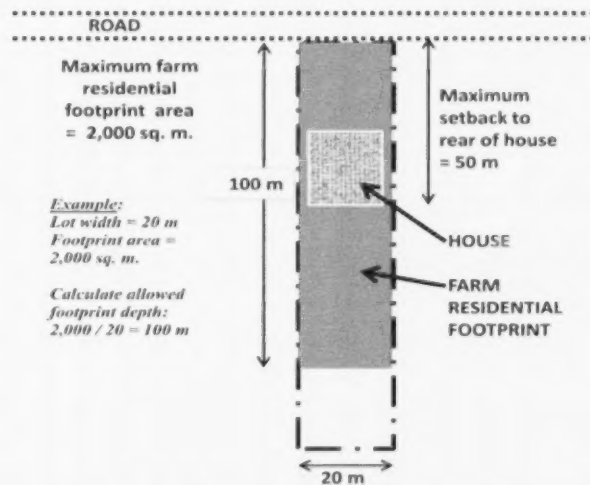


Figure 2 Footprint on a Narrow Lot

<sup>4</sup> This exemption recognizes that large lot sizes minimize farm practice issues and the area is likely to be very rural.

#### 2.4.6.5.2 Farm Residential Footprint Size<sup>5</sup>

The maximum size of the *farm residential footprint* is:

- a) the lesser of a footprint commensurate with *urban areas*; or
- b) 2,000 m<sup>2</sup>; plus
  - a. 1000 m<sup>2</sup> for each *additional farm residence* where permitted; plus
  - b. 35 m<sup>2</sup> for each *temporary farm worker housing space* where permitted.
  - c.

#### 2.4.6.5.3 Maximum Floor Area-Farm Residences

The Minister's Bylaw Standard does not include size restrictions for the *floor area-farm residences*. However, the following is offered as a suggestion where local governments wish to include these restrictions in their bylaws.

The maximum *floor area-farm residence(s)* is the lesser of a floor area commensurate with *urban areas* or:

- a) 500 m<sup>2</sup> for *principal farm residence*;
- b) 300 m<sup>2</sup> for each *additional farm residence* where permitted; and
- c) 15 m<sup>2</sup> for each *temporary farm worker housing space* where permitted<sup>6</sup>.

### 2.4.7 Height Limitations

Local governments are encouraged to exclude farm buildings from restrictions on height. Crop protection and support *structures* such as deer fencing, netting supports and trellises must be excluded from height requirements. If a local government wishes to restrict height of farm structures then the maximum building heights should be no less than:

Grain bins (including delivery equipment)	46 metres
Silos	34 metres
Combination Silo and Grain Storages	41 metres
Principal <i>livestock buildings</i>	15 metres
All other agricultural <i>buildings</i>	15 metres

These height limitations should be the minimum height restriction placed on *farm buildings* in a zoning bylaw. If a local government wishes to allow *buildings* higher than these or wishes to exempt these *buildings* from the height restrictions, then the zoning bylaw will still be considered in accordance with this section.

### 2.4.8 Setbacks

Appropriate setback distances can help prevent nuisance conflicts, protect natural resources, and safeguard human health. On the other hand, excessive setbacks can present serious challenges to farming operations. The standards in this section seek to strike a balance by recommending setbacks that are large enough to reduce conflict

---

<sup>5</sup> The *farm residential footprint size* is considered density and would require a rezoning application to vary.

<sup>6</sup> Federal programs allow 10 m<sup>2</sup> of useable floor area which excludes washrooms, laundry, mechanical and storage rooms.



between uses while still being reasonable and economical for *farm operations*. *Structures* for crop protection and support such as deer fencing, trellises and netting supports should be excluded from setback requirements in order to allow a *farm operation* maximal use of a property. However, the *farm residence* must comply with any setback requirements established by other government agencies such as the Ministry of Health and the Ministry of Environment. In addition, setbacks must be in compliance with building code and fire safety requirements. Minimum *lot line* setbacks would meet fire safety requirements between two parcels. Refer to section 2.4.6 for the Minister's Bylaw Standard regarding the siting and size of residential uses in the ALR.

#### 2.4.8.1 Setbacks from Edge Lot Lines

Setback distances along the *edge lot lines* have been established in the Ministry's Guide to Edge Planning. Setbacks are provided for both the urban and agricultural sides of the boundary.

#### 2.4.8.2 Setbacks from Farm Residences

Minimum setback distances have not been established between a *farm residence* and a *principal* or *accessory farm building* or *structure* on the same lot, other than those established for other purposes such as setbacks from a water supply.

#### 2.4.8.3 Setbacks from a Potential Flood Area

Due to the variable nature of British Columbia's land base and water bodies, no general standards have been established for flood proofing. Each municipality or regional district should contact the Provincial Regional Water Management Office for floodplain mapping information and flood proofing requirements. Where local and site-specific information is unavailable, the Ministry of Agriculture has developed a factsheet titled Flood Construction Levels and Setbacks for Farm Building Situations that aims to reduce injury and property damage in flood situations.

### Summary Table

Table 1 lists the maximum setback distances for *principal* and *accessory farm buildings, structures*, and facilities from *lot lines* and water supply intakes. The list of *farm buildings, structures*, and facilities may not be all inclusive, and alterations may be needed periodically.

**Table 1 Maximum\*\*\* Setbacks for Farm Buildings, Structures, and Facilities**

Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
<b>Principal Farm Buildings, Animal Containment, and Storages</b>			
<i>Greenhouse (nursery, specialty wood &amp; turf crops): including boiler room, header house, machine storage</i>	7.5 m	4.5 m	30 m
Tree, vine, field, and forage crop storage; granary	7.5 m	4.5 m	
Apiculture: Bee hive; <i>honey house</i>	7.5 m	7.5 m	
Mushroom: barn	15 – 30 m *	7.5 m	
<i>Livestock, poultry, game, or fur: barn, brooder house; fur farming shed; hatchery; livestock shelter; milking facility; stable, confined livestock area</i>	15 – 30 m *	15 – 30 m *	
Free range poultry at a density of less than 1 animal unit	0 m	0 m	
<b>Accessory buildings, structures and facilities</b>			
Incinerator; silo	30 m	30 m	30 m
Generator shed	15 m	15 m	
<i>Detention pond</i>	7.5 m	4.5 m	
Grain and hay storage; silage storage in plastic bags; straw storage (non-composting materials)	7.5 m	4.5 m	
<i>Machine storage and shelters, and accessory buildings, structures and facilities which are low risk for being potential sources of pollution</i>	4.5 m	4.5 m	
Feeding area location in <i>seasonal feeding area</i> ****	n/a	n/a	
Boilers or walls with fans – all uses	15 m	15 m	n/a
Horse riding rings and exercise yards where no feeding of animals occurs and where a vegetated buffer is provided in the form of a hedge between the ring or yard and neighbouring properties	0 m	0 m	
Horse riding rings and exercise yards where no feeding of animals occurs and where no vegetated buffer is provided	4.5 m	4.5 m	



Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
<b>Marketing, Processing, and Product Preparation Structures and Facilities</b>			
<i>Direct farm marketing</i>	7.5 m	4.5 m	30 m
<i>On-farm processing, on-farm product preparation</i>	7.5 m	7.5 m	
Winery and Cider processing facility	7.5 m	4.5 m	
<i>On-farm soil-less medium production</i>	15 m	15 m	
<i>Soil-less medium storage, wood waste storage</i>	7.5 m	7.5 m	
<b>Waste and Chemical Handling</b>			
<i>Agricultural liquid or solid waste storage facility; solid agricultural waste (field storage**)</i>	30 m	30 m	30 m
<i>Compost storage; on-farm composting</i>	30 m	30 m	
<i>Chemical storage</i>	7.5 m	7.5 m	
<i>Composting materials (non-manure storage)</i>	15 m	15 m	
<p>* Range in setback distance allows for <u>reductions</u> for enclosed animal facilities and for narrower walls that are oriented to lot lines. Current bylaws may have setbacks within the range and thus, could remain unchanged and be consistent with these guidelines.</p> <p>** Field storage for more than 2 weeks.</p> <p>*** Local government zoning or development permit area criteria usually stipulate the “minimum setback” distance - which is the closest to the object a building or <i>structure</i> may be situated. An applicant may choose to locate his feature farther back. In order to minimize the effects on farming, these guidelines give the MAXIMUM setback distance that a local government should use in its bylaws. The dimensions are referred to as – “the setback distance”.</p> <p>**** <i>Seasonal feeding areas</i> are predominately covered by productive vegetation during the growing season.</p>			

#### 2.4.8.4 Setbacks from Watercourses

*Riparian vegetation* provides the following important features and functions for *watercourses*:

- preservation of large woody debris
- bank stability
- channel stability
- shade
- food and nutrients
- filtration

However, it is recognized that maintaining the large woody debris function in agricultural areas is typically incompatible with drainage requirements for free flowing, low-gradient *channelized streams* and *constructed ditches*.

Information on desirable native plant species used for riparian planting can be found in the 'Stewardship Areas' chapter of the Canada – British Columbia Environmental Farm Plan (EFP) Program Reference Guide and in supporting fact sheets available from the Ministry of Agriculture.

##### 2.4.8.4.1 Origins and Applicability

*Riparian vegetation* provides important habitat to support biodiversity. The *Riparian Areas Regulation* (RAR), enacted under the *Fish Protection Act*, calls on local governments to protect *riparian areas* during residential, commercial, and industrial development. The RAR does not apply to agricultural land use and farming activities; however, the standard for agricultural building setbacks complements the Riparian Area Regulation (RAR) for fish protection.

These agricultural *building* setback standards were developed to provide protection for *riparian areas* from agricultural and farm uses. They apply to agricultural land that is already considered to be developed, i.e., land that has been cleared for crop production or is being actively farmed. Crops can include plants grown under *nursery* and *agroforestry systems*. The setbacks were developed and endorsed by the Partnership Committee on Agriculture and the Environment. This Committee included representatives from Agriculture and Agri-Food Canada, the BC Agriculture Council, the BC Ministry of Agriculture, the BC Ministry of Environment, Environment Canada, Fisheries and Oceans Canada (DFO), and the Union of British Columbia Municipalities.

These setbacks do not apply to:

- Residential *buildings* on agricultural lands and *buildings* for non-farming activities on lands that may otherwise be used, designated, or zoned for *agriculture*. These facilities are considered to be respectively residential, commercial or industrial under RAR.
- Activities and physical works not related to *buildings* or *building* construction such as on-farm drainage and irrigation systems, utility works, farm roads, removal or disruption of soil, cropping, and animal husbandry practices. These are considered under the Environmental Farm Plan (EFP) review process.

Local government zoning or development permit area guidelines usually stipulate the "minimum setback" distance, which is the nearest that a building or *structure* may be situated to the object. An applicant may choose to locate a building or *structure* further back. In order to reduce the effects on farming, these riparian guidelines give the maximum setback distance that a local government should use in its bylaws as minimum setbacks. The dimensions are referred to as "the setback distance".

#### 2.4.8.4.2 Guidelines

The building setbacks established for the purposes of riparian protection are based on the following guidelines:

- Standards for agricultural areas complement current standards for *fish* protection in areas zoned for residential, commercial and industrial development.
- The minimum setback areas between *watercourses* and *buildings* are set aside as streamside protection and enhancement areas for *riparian vegetation* that is to be either planted or left to grow, and are not to be used for ancillary services such as retention ponds, utilities, machinery storage, access for *building* maintenance, roads, parking or other *impervious surfaces*.
- Standards shown in Table 2 apply to agricultural land that is either currently growing a crop or is lying fallow and is therefore considered to be developed.
- Standards shown in Table 2 do not apply to any areas where *riparian vegetation* may need to be removed to locate or construct a *building* or facility. Fisheries and Oceans Canada must be notified prior to removal of any *riparian vegetation* such as shrubs or trees. For direction related to changes in and about a *stream*, refer to the BC Ministry of Environment (MOE) website.
- The *building* setbacks in Table 2 apply to new *buildings* only. Existing agricultural *buildings* and *structures* are exempt.
- The setbacks vary by three classifications of *watercourse* and four categories of agricultural *buildings* and facilities as shown in Table 2.

Variances to the *building* setbacks may be considered if supported by a report by a *Qualified Environmental Professional* (QEP). Variances can only be obtained for Category 3 and 4 *buildings* and facilities, given that the setbacks for Category 1 and 2 facilities are set by the *Agricultural Waste Control Regulation* under the *Environmental Management Act*.

#### 2.4.8.4.3 Agricultural Building and Facility Categories

The agricultural *building* and facility setbacks apply to the construction of agricultural *buildings* and related ancillary service uses. Roads, retention ponds, gas services, water supply services, electrical facilities, machinery storage, *building* maintenance access, parking, or other impervious areas associated with *buildings* must lie outside the setback distances listed in Table 2.

The setback standards also apply to *on-farm composting* and *soil-less media production facilities*, storage facilities, and *confined livestock areas*. The *Agriculture Waste Control Regulation* establishes the setback requirements for Category 1 and 2

*structures or buildings*. Category definitions and associated setback distances are established as follows:

- Category 1** Specified facilities or *buildings* identified by the *Agricultural Waste Control Regulation*, that are considered to pose a high risk for causing pollution, must be set back 30 metres from any *watercourse*. Category 1 facilities include *solid agricultural waste* field piles for greater than two weeks of storage, *confined livestock areas* containing more than ten *agricultural units*, and *seasonal feeding areas*.
- Category 2** Specified facilities covered by the *Agricultural Waste Control Regulation* and other regulations that are considered to pose a slightly lower risk for causing pollution than those in Category 1 must be set back a minimum distance of 15 metres from any *watercourse*. Category 2 *structures* include *agricultural waste storage facilities* such as engineered *manure* pits; chemical, *compost* and *wood waste* storages; on-farm growing media production areas; mushroom barns; *confined livestock areas* containing fewer than ten *agricultural units*; silos; incinerators; and petroleum storages.
- Category 3** Facilities or *buildings* that pose a higher risk of discharging contaminants than Category 4 *buildings* and which by definition are not captured by the *Agricultural Waste Control Regulation* are to be set back 15 metres from natural and *channelized streams*. Facilities in this category can be set back 5 metres from *constructed channels* and *constructed ditches*. Examples of Category 3 facilities are *livestock* barns, brooder houses, *fur farming* sheds, *livestock* shelters and stables, hatcheries, and *milking facilities*.
- Category 4** Category 4 facilities or *buildings* from which a risk of discharging contaminants is not likely or from which discharges can easily be contained may allow setbacks to be less than for Category 3 *buildings* in the case of *channelized streams* (depending on channel width), but are the same for Category 3 facilities insofar as they apply to *natural streams* (15 m) and *constructed channels or ditches* (5 m). Examples of Category 4 facilities are *greenhouses*, machine storage buildings, *on-farm processing structures*, *direct farm marketing buildings*, crop storages, granaries, shelters, hives, machine and equipment storages, cider processing facilities, retention and *detention ponds*, and other *impervious surfaces*.

In situations where local governments are responsible for the maintenance of *constructed channels* or *constructed ditches*, the minimum setback distance for Category 3 and 4 facilities is seven (7) metres. In such cases, maintenance should be done from the north and east sides whenever possible, allowing the vegetation on the south and west sides to remain undisturbed.

Table 2 summarizes the setbacks associated with the various categories.



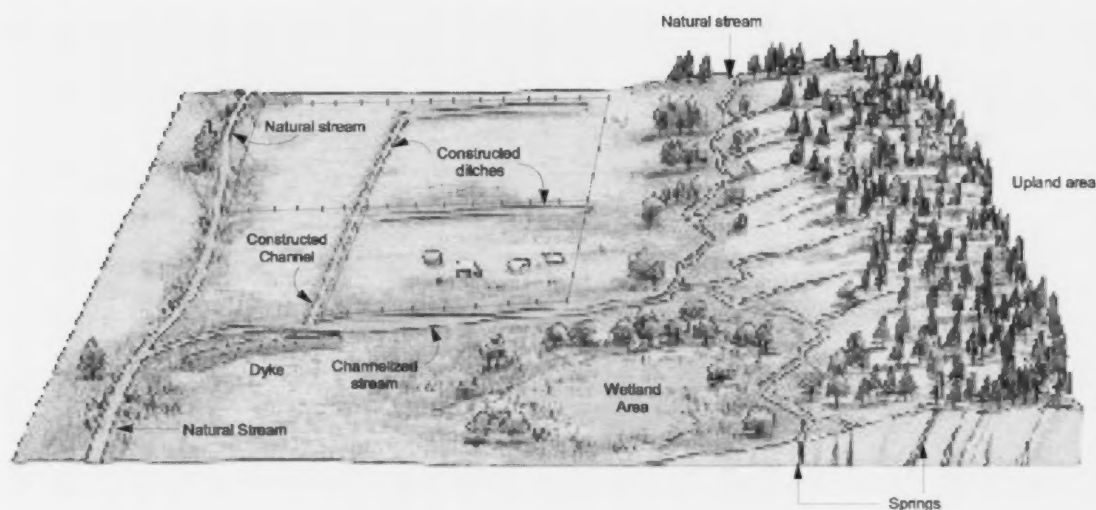


Figure 3 Watercourse Classification

#### 2.4.8.4.4 Setback Distance Measurements

The setback distances for agricultural *buildings* and facilities adjacent to *watercourses* are shown in Table 2. The setback distance that applies will be based on the classification of the *watercourse* adjacent to the *building* to be constructed. For *channelized streams* and *constructed channels*, a QEP must be retained to determine or confirm a particular classification in regions where appropriate mapping is not available. QEP involvement is not necessary if it is clear that the *watercourse* in question is a *natural stream* or a *constructed ditch*. The building setback distance from each type of *watercourse* must be measured from the top of the bank. The following drawings provide clarification:



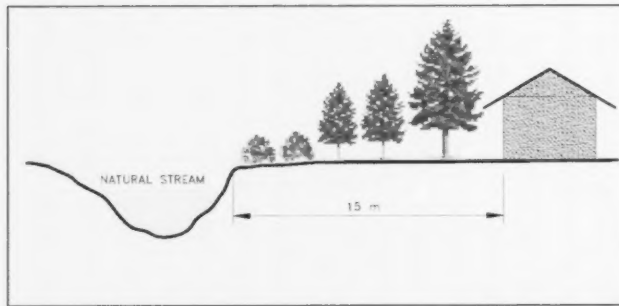


Figure 4 Setback for a Natural Stream with a Single Bank for Categories 2, 3, and 4

#### Natural Streams with Single Bank

*Natural streams* with a distinct *top of bank* will have the setback distance measured from the *top of bank* as shown in Figure 2.

The setback distance<sup>7</sup> for Category 2, 3, and 4 *buildings* is 15 metres.

See Table 2.

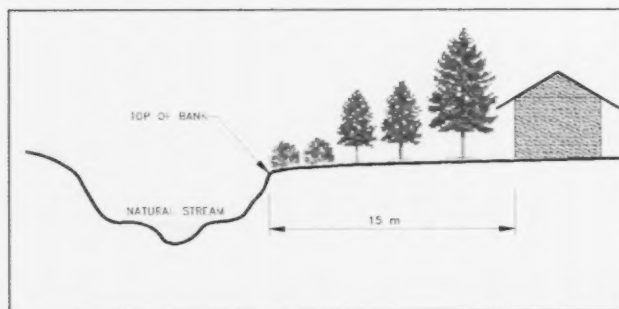


Figure 5 Setback for a Natural Stream with Multiple Banks for Categories 2, 3, and 4

#### Natural Streams with Multiple Bank

For *natural streams* that may have multiple banks, the setback distance should be measured from the bank that is farthest from the centre of the stream as shown in Figure 3.

See Table 2.

<sup>7</sup> Note: Local government zoning or development permit area guidelines usually stipulate the “minimum setback” distance, which is the nearest that a building or *structure* may be situated to the object. An applicant may choose to locate a building or *structure* further back. In order to minimize the effects on farming, these riparian guidelines give the maximum setback distance that a local government should use in its bylaws. The dimensions are referred to as “the setback distance”.

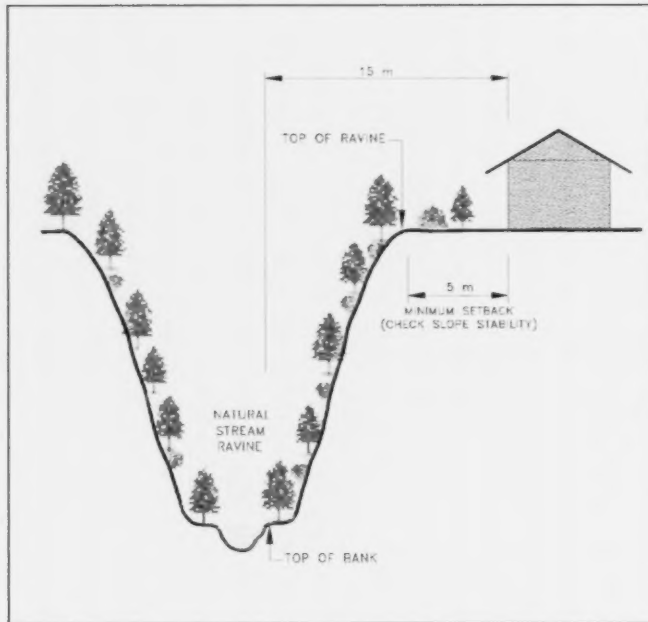


Figure 6 Setback for a Natural Stream in a Large Ravine

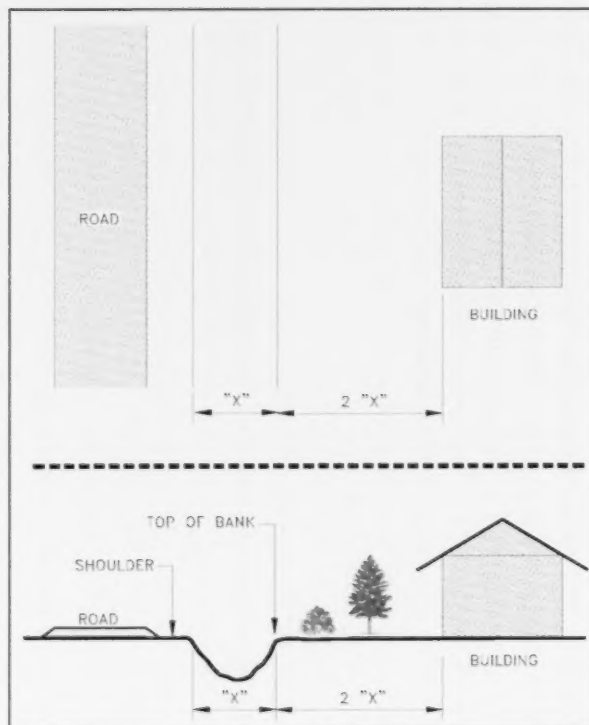
#### Natural Streams in a Ravine

For *natural streams* in a *ravine*, the setback distance should be measured horizontally from the *top of bank* as shown in Figure 4. The setback distance must be at least 15 metres from the *stream top of bank*.

There is also a requirement that the *building* setback from the top of the *ravine* be 5 metres.

Where bank stability may be a problem, the setback distance from the top of the *ravine* should be assessed by a professional. Local governments may also establish covenants or further setbacks in situations where slope stability is a problem.

See Table 2.



#### Channelized Streams

The setback distance from a *channelized stream* for Category 4 facilities is determined by multiplying the width of the channel at the *top of bank* by two as shown in Figure 5. For Category 4 facilities on *channelized streams*, the setback will be no less than 10 metres and the maximum will be 15 metres.

See Table 2.

Figure 7  
Setback for a Channelized Stream

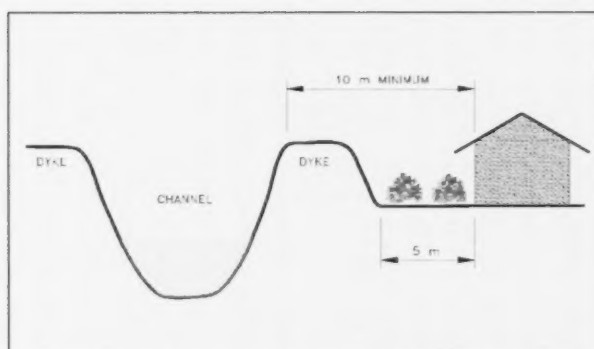


Figure 8: Setback for a Channelized Stream Confined by a Dyke

#### Channelized Streams Confined by a Dyke

The setback distance for a *channelized stream* that is confined by a dyke should be measured from the top surface of the dyke as shown in Figure 6. The setback distance from the *channelized stream* may often exceed 10 metres for large dyke systems, as the minimum setback distance from the toe of the dyke should always be 5 metres.

See Table 2.

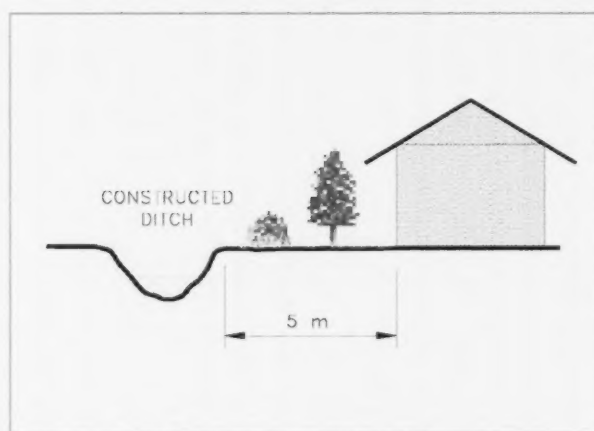


Figure 9 Setback for a Constructed Channel or Ditch

#### Constructed Channels and Ditches

*Constructed channels* and ditches by their very nature always have a defined *top of bank*. The setback distance is measured from the top of the bank as shown in Figure 7. The setback distance from *constructed channels* and ditches will be 5 metres for Category 3 and 4 facilities. For *constructed channels* and ditches where the responsibility for maintenance is borne by a municipality, drainage, or dyking district the minimum setback will be 7 metres.

See Table 2.

#### 2.4.8.4.5 Agricultural Building and Facility Setback Standards

The agricultural *building* setback standards are summarized in Table 2. Existing permitted *buildings* are exempt from these setbacks, and those that are closer to *watercourses* than the standards specify will be identified as legally non-conforming within a zoning bylaw. In the event of a fire, the reconstruction of the facility on the same footings with no changes to the *building* will not require an assessment to be done. However, a QEP is required to conduct an assessment if the landowner intends to alter or extend the existing foundation with the result that all or part of the *building* would be closer than the setback standard.

Siting of agricultural *buildings* for floodplain management and flood proofing is not covered in this guide. Information on this subject is available in the fact sheet entitled Flood Construction Levels and Setbacks for Farm Building Situations and in other fact

sheets which can be found on the Sustainable Agriculture Management Branch section of the Ministry of Agriculture website at [www.al.gov.bc.ca/resmgmt](http://www.al.gov.bc.ca/resmgmt)

Local government zoning or development permit area guidelines usually stipulate the "minimum setback" distance, which is the nearest that a *building* or *structure* may be situated to the object. In order to minimize the effects on farming, these riparian guidelines give the maximum setback distance that a local government should use in its bylaws. Producers may, however, wish to exceed the local government minimum setbacks for their own reasons.

The *watercourse building* setbacks do not take into account other considerations that may require greater setbacks (e.g., *lot lines*, species at risk, municipal maintenance access, water used for domestic purposes, and floodplain requirements). Under some exceptional circumstances, local governments, the Department of Fisheries and Oceans, and the Ministry of Environment may classify some *constructed ditches* as *channelized streams* because they are important local *fish* habitat.

#### 2.4.8.4.6 Qualified Environmental Professional Requirements

Situations for which a QEP will be required with respect to the establishment of site-specific *building* setbacks are noted below:

1. A QEP must be retained to determine or confirm if a *watercourse* is a *channelized stream* or a *constructed channel* in regions where appropriate classification mapping is not available.
2. If the setback standard causes a hardship for the landowner, a variance from the standard may be investigated using a QEP. The QEP would be retained by the landowner to conduct a site assessment and prepare a report that identifies any options that may be available. The report would then be submitted to the local government and agencies for consideration. Approval for variances is required by local governments where bylaws are in place or, in areas where local government bylaws are not in place, a letter of advice from the Department of Fisheries and Oceans is necessary. Variances may be permitted only for Category 3 and 4 *buildings* and only if undue hardship can be demonstrated as a result of the setback.
3. A QEP will be required where a desired setback is non-conforming with existing local government bylaws.

A QEP may also be required to assess *building* site coverage that does not conform to this *Guide for Bylaw Development in Farming Areas* or to assess other variances from local government bylaws such as:

- a) *farm buildings*, other than *greenhouses*, that cover more than 35% of the lot area or are larger than 3500 square metres in area.
- b) *greenhouses* that cover more than 75% of the lot area.
- c) *farm buildings* to be constructed in the 1-in-200-year floodplain. A QEP may be required to prepare a report that outlines *building* siting, placement of fill, and

site stability for a variance from a local government bylaw for such situations. Further information is included in the Ministry of Agriculture fact sheet entitled Flood Construction Levels and Setbacks for Farm Building Situations.

- d) facilities that may impact channel flows due to increased *stormwater* runoff. Further information is noted in the Ministry of Agriculture and Lands factsheet Stormwater Management Planning for Agricultural Facilities.

### Summary Table

Table 2 on Page lists the *watercourse* setback standards for the four Category 1, 2, 3 and 4 classifications of *farm structures*. The list of *farm buildings, structures*, and facilities may not be all-inclusive, and alterations may be needed periodically.



**Table 2 Riparian Protection Setbacks from Watercourses for Buildings and Facilities in Farming Areas <sup>8</sup>**

<b>Type of Building or Facility</b>				
<b>Type Of Watercourse</b> (see Section 2.5.5.2.5 for illustrations)	<b>Category 1</b>	<b>Category 2</b>	<b>Category 3</b>	<b>Category 4</b>
	<ul style="list-style-type: none"> <li>• <i>Confined Livestock Area</i> with more than ten (10) <i>agricultural units</i>;</li> <li>• <i>Seasonal Feeding Area</i>;</li> <li>• <i>Solid Agricultural Waste</i> (Field Storage) with greater than two (2) weeks storage capacity</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Agricultural Waste Storage Facility</i>;</li> <li>• <i>Chemical, Compost and Wood Waste Storage</i>;</li> <li>• <i>Confined Livestock Area</i> with fewer than ten (10) <i>agricultural units</i>;</li> <li>• Incinerator;</li> <li>• Mush-room Barn;</li> <li>• <i>On-Farm Composting</i>;</li> <li>• <i>On-Farm Soil-less Medium Production and Storage</i>;</li> <li>• Silo;</li> <li>• Petroleum Storage</li> </ul>	<ul style="list-style-type: none"> <li>• Brooder House;</li> <li>• Hatchery;</li> <li>• <i>Fur Farming Shed</i>;</li> <li>• <i>Livestock Barn</i>;</li> <li>• <i>Livestock Shelter</i>;</li> <li>• <i>Milking Facility</i>;</li> <li>• Stable</li> </ul>	<ul style="list-style-type: none"> <li>• Boiler Room;</li> <li>• Cider Processing Facility; Cold Frame <i>Structure</i>;</li> <li>• Crop Storage <i>Structure</i>;</li> <li>• <i>Detention Pond</i>;</li> <li>• <i>Direct Farm Marketing Buildings</i>;</li> <li>• Granary;</li> <li>• <i>Green-house</i>;</li> <li>• <i>Impervious Surfaces</i>;</li> <li>• <i>Machine Storage Buildings</i>;</li> <li>• <i>On-Farm Processing</i>;</li> <li>• <i>On-Farm Product Preparation</i>;</li> <li>• <i>Retention Pond</i></li> </ul>
	Natural Stream	30 m	15 m	15 m
	Channelized Stream	30 m	15 m	15 m
	Constructed Channel or Ditch <sup>10</sup>	30 m	15 m	5 m <sup>9</sup>
<b>GENERAL NOTES:</b> (i) Setback distances are measured from the <i>tops of banks</i> as illustrated and defined in the section of this guide entitled <i>Setback Distance Measurements</i> (Section 2.4.8.7.5). (ii) Property safety and risk management concerns for specific situations may require larger setbacks than specified in the table and will take precedence over the values noted in the table.				

<sup>8</sup> Local government zoning or development permit area guidelines usually stipulate the "minimum setback" distance, which is the nearest that a building or *structure* may be situated to the object. An applicant may choose to locate a building or *structure* further back. In order to minimize the effects on farming, these riparian guidelines give the maximum setback distance that a local government should use in its bylaws. The dimensions are referred to as "the setback distance".

<sup>9</sup> See Figure 5 on page 26.

<sup>10</sup> No differentiation is made between either constructed channels or constructed ditches when determining building setbacks; however, differences between the two exist for drainage maintenance considerations.

<sup>11</sup> The minimum building setback distance from a constructed channel or constructed ditch for which a local government is responsible is seven (7) metres.

## 2.4.9 Temporary Farm Worker Housing

This section outlines criteria<sup>12</sup> for regulating *Temporary Farm Worker Housing (TFWH)*. These criteria have been developed for *TFWH* for workers registered in a federal temporary worker program. The goals and objectives of regulating *TFWH* served as a foundation for creating the criteria and include:

- a) meeting the needs of the *agriculture* industry;
- b) minimizing the residential impact of *TFWH* in the agricultural area;
- c) minimizing loss and/or fragmentation of agricultural land due to *TFWH*; and
- d) minimizing the risk of *TFWH* being used for non-farm purposes.

Information from six local government bylaws that address *TFWH* and two rounds of input from local governments helped build the criteria along with BC Ministry of Agriculture and ALC staff input, which served to add a broad-based perspective. These criteria offer a starting point or foundation from which to build. It is acknowledged that different communities have different circumstances. The criteria are intended to be flexible and adapted to each community's situation provided they remain consistent with the *Agricultural Land Commission Act* and regulations.

It is important to note that no guidelines are provided for off-farm accommodation since this is outside the jurisdiction of the BC Ministry of Agriculture. However, some suggestions related to exploring the option of off-farm accommodation are made in the discussion paper of the standards (see Appendix A). In the future, criteria will be developed for *TFWH* for domestic *temporary farm workers* or *temporary farm workers* not enrolled in a federal program.

### 2.4.9.1 Farm Class

The farm lot where the *TFWH* is to be located must be classified as 'farm' under the *BC Assessment Act*. Local governments may wish to ask for a copy of the farm's BC Assessment notice, as part of the *building* permit application.

### 2.4.9.2 Minimum Farm Unit Size

The minimum *farm unit* size on which *TFWH* can be located is 4 hectares.

### 2.4.9.3 Maximum Useable Floor Area<sup>13</sup>

- *Greenhouse* operations, mushroom operations, and berry/vegetable operations with *on-farm processing* or *product preparation*: Maximum useable floor area

<sup>12</sup> In cases where these criteria do not fit a farmer's needs, an application for a Development Variance Permit or an appeal to the Board of Variance could be made. Use or density changes would require a rezoning application.

<sup>13</sup> **Useable Floor Area:** The "Guidelines for the Provision of Seasonal Housing for Migrant Farm Workers in BC" notes the minimum floor area per person is 7.44 m<sup>2</sup> with a minimum of 8.5 m<sup>3</sup> of air space per person in the sleeping area. The floor area in washrooms, laundry rooms, mechanical rooms and storage rooms is not considered useable living area and is not included in the calculation of useable floor area.

per worker is 10 m<sup>2</sup>. If desired, local governments may restrict the number of workers per *building*.

- All other commodities: cumulative maximum useable floor area for all *TFWH* on a *farm unit* is 400 m<sup>2</sup>; maximum useable floor area / person is 10 m<sup>2</sup>. If desired, local governments may restrict the number of workers per *building*.

#### 2.4.9.4 Maximum Number of Workers

- a. *Greenhouse* operations, mushroom operations and berry/vegetable operations with *on-farm processing* or *product preparation*: 1 worker per 1,000 m<sup>2</sup> of *principal farm building* floor area, to a minimum ceiling of 130 workers per farm.
- b. All other commodities: a minimum ceiling of 40 workers per farm.

#### 2.4.9.5 Housing Type

The *TFWH* should be either an existing *building*<sup>14</sup> or a *manufactured home*, constructed or manufactured to be moved from one place to another, and to be used for residential use, installed on a temporary foundation with no basement. However, a local government may wish to consider the size and type of *farm operation* should a request for non-manufactured housing be made. Suggested criteria include: the *principal farm building* and the *farm operation* has been in place for at least 5 years; the *temporary farm workers* will be living in the housing at least 8 months in a calendar year; and the local government may ask for removal or decommissioning of the housing if not used for 2 years.

#### 2.4.9.6 Farm Residential Footprint or Setbacks

- a) If a local government uses the *farm residential footprint*<sup>15</sup> concept in their bylaws all *accessory farm residential facilities*, including new *TFWH*, must be on a declared *home plate* contiguous to a *home plate* of an existing *residence* unless otherwise authorized by a development variance permit.
- b) If a local government does not use the *farm residential footprint* concept in their bylaws, the maximum setback for new *TFWH* is 15 metres from the primary *residence* and 60 metres from an existing road or other access unless otherwise authorized by a development variance permit. In cases where the 15 metre and 60

<sup>14</sup> **Existing Building:** Buildings that already exist on the farm may be used for *TFWH* provided they comply with the applicable *TFWH* criteria. In areas of the province with building inspection services, existing buildings must have a building permit application or final inspection in place at least two years in advance before applying for conversion. If the existing building exceeds the maximum allowable floor area per worker or per *farm unit*, the excess area must be made inaccessible to the workers. If existing buildings are outside of the declared *farm residential footprint* area they become legally non-conforming [Section 911 (1) of the *Local Government Act*]. The property owner may apply for a development variance permit to include these buildings in the *farm residential footprint*. Note: If 75% or more of a non-conforming building's value above its foundations is damaged or destroyed, it must not be repaired or reconstructed except for a conforming use in the bylaw [Section 911 (8)].

<sup>15</sup> The *farm residential footprint* concept was previously called the '*home plate*' concept. See Section 2.4.6 and the further resources on Siting and Size of Residential Uses in the ALR listed in Appendix A for further discussion of the *farm residential footprint* concept.

- metre setbacks cannot be met simultaneously, then the maximum 15 metre setback from the *principal farm residence* must be met for new *TFWH* unless otherwise authorized by a development variance permit.
- c) If new *TFWH* is located on a vacant lot it must be a temporary, manufactured dwelling(s) and meet the *farm residential footprint* criteria.
  - d) *Farm residential footprints* or setbacks may be varied for reasons of topography, agricultural capability, or other special considerations through a development variance permit.

#### 2.4.9.7 Time and User Restrictions

- a) A *statutory declaration* must be filed with the local government annually stating that the *building* will be used only for *TFWH* for a specified period of time.
- b) A *restrictive covenant*<sup>16</sup> must state that the new *TFWH* will only be used by *temporary farm workers* and that the owner will remove the *TFWH* and restore the land to agricultural use if the *TFWH* is vacant for two consecutive years. If an existing *building* is converted to *TFWH* and is not used by *temporary farm workers* for two consecutive years, the owner must either have the *building* removed or decommissioned so that it is no longer habitable.
- c) Under section 905 of the *Local Government Act*, local governments are permitted to enter into a *statutory declaration* to specify restrictions on the user of the *residence*.
- d) The *TFWH* can be used to house *temporary farm workers* employed on other *farm operations* provided a *statutory declaration* is filed with the local government describing the terms of the arrangement and there is a written agreement between the *farm operations*<sup>17</sup>. This applies to workers registered with the Seasonal Agriculture Worker Program (SAWP) only and is subject to prior approval by Human Resource and Skills Development Canada (HRSDC) and the host country. The workers must be employed at least part of the year on the farm with the *TFWH*.

A sample restrictive covenant and *statutory declaration* are located in the discussion paper listed in Appendix A.

#### 2.4.9.8 Financial Guarantee for Building Removal or Decommissioning

- a) A deposit sufficient to either remove the new *TFWH* or decommission an existing *building* used for *TFWH* must be provided to the local government upon approval of the *TFWH*; or

<sup>16</sup> **Restrictive Covenant:** Limits use of the *TFWH* housing to the terms stipulated by the local government, such as dates of occupation, financial security to remove buildings, and agreement to remove the *TFWH* when it is no longer being used. A *restrictive covenant* is registered on the title of the property in favour of the local government in perpetuity (or until the local government removes it).

<sup>17</sup> **Multiple Farms Using a Single TFWH Unit:** Using new or existing buildings on agricultural land to provide *TFWH* for multiple farms rather than each farm having its own *TFWH*, will help to reduce fragmentation of agricultural land and reduce the residential impact of multiple farm worker housing.



- b) The cost of removing new *TFWH* or decommissioning an existing *building* will be recovered by the local government through taxes applied to the property.

#### 2.4.9.9 Other Considerations

- a) Workers living in the *TFWH* must be registered with a federal government *temporary farm worker* program<sup>18</sup>.
- b) *TFWH* must meet the standards in the *BC Health Act*, the BC Building Code and the "Guidelines for the Provision of Seasonal Housing for Migrant Farm Workers in BC". Inspections are required prior to initial occupancy (as per the above-noted guidelines), and annually thereafter.
- c) Local governments may want to consider developing a *statutory declaration* as per Section 905 of the *Local Government Act*. Please see the discussion paper listed in Appendix A for further information.
- d) Local governments may wish to specify that *TFWH* can only be built on a parcel of land owned by the applicant.
- e) Although only on-farm housing is covered in the scope of this criteria, alternative options for housing *temporary farm workers* is elaborated on in the discussion paper listed in Appendix A. These options include consolidated housing, both on-farm and off-farm.
- f) Local governments or farmers may wish to request amenity space for workers (either indoor or outdoor). All types of housing should strive to minimize the *building* footprint and amenity space, and attempt to locate on lower capability ALR lands where appropriate.

### 2.4.10 Combined Heat and Power Generation at Greenhouses (CHP or Cogeneration)

These criteria were developed for natural gas fired cogeneration. Additional criteria may be required to address fuel storage and delivery for biomass fired cogeneration or other fuel sources. Please see Appendix A for further resources on how the standards were developed.

#### 2.4.10.1 Farm Class

The farm lot where the cogeneration facility is to be located must be classified as 'farm' under the BC Assessment Act.

Local governments may wish to ask for a copy of the farm's BC Assessment notice, as part of a building permit application.

<sup>18</sup> **Government Temporary Farm Worker Program:** Any federal government program (e.g. SAWP and Occupations Requiring Lower Levels of Formal Training (ORLLFT)), that recruits *temporary farm workers* for a specified period of time. If *farm operations* in a specific community rely on domestic migrant farm labour (and not just foreign migrant farm workers), the local government may not want to include this requirement in their bylaw.



#### 2.4.10.2 Fuel Type

The CHP engine must be fueled by natural gas.

#### 2.4.10.3 CHP Capacity

The CHP must be sized to be commensurate with the heat demand of the farm operation.

#### 2.4.10.4 Maximum CHP Capacity

The CHP capacity must not exceed 1.0 MWe/ha of land in greenhouse crop production on the farm operation. A CHP engine with a capacity up to 1.5 MWe/ha is permitted if high intensity lighting (greater than 10,000 lux) is used in the greenhouse.

#### 2.4.10.5 CHP Efficiency

The CHP must operate with an efficiency of at least 80%.

#### 2.4.10.6 Heat Storage

The farm unit must have the capacity to store excess heat generated by the CHP for beneficial use by the greenhouse.

#### 2.4.10.7 Emissions

The CHP must meet emission standards outlined in the *BC Environmental Management Act*.

#### 2.4.10.8 Nuisance

The CHP should be located and managed to minimize noise impacts on neighbours.

# Part 3 Farm Bylaw Standards and Bylaw Approval for Regulated Local Governments





### 3.1 What does it mean to be regulated under Section 918?

When a local government is regulated under Section 918 of the *Local Government Act*, it is able to use Farm Bylaws to prohibit or restrict the use of land for agriculture in farming areas, subject to approval from the minister responsible for the *Farm Practices Protection Act*, currently the Minister of Agriculture.

Farm Bylaws provide local governments with additional tools to regulate agriculture than are available in zoning bylaws. While zoning bylaws regulate land use, Farm Bylaws can deal with operational matters aimed at enhancing land use compatibility, promoting environmentally sound practices, and generally supporting the industry's long term sustainability. In some cases, regulated local governments may wish to restrict uses under Section 903(5) of the *Local Government Act*.

#### **Sections 917 and 918 of the *Local Government Act***

Section 918 of the *Local Government Act* allows a regional district, municipality, or local trust committee to be regulated through an Order in Council. When a local government is regulated, it is specified whether Sections 903(5) and/or 917 apply. If Section 917 applies, the local government may create Farm Bylaws as described in Part 3.3 of this guide.

Local governments that are regulated under Section 918 are expected to amend their bylaws to be consistent with all Minister's Bylaw Standards in Part 2 of this guide and also are expected to utilize the Farm Bylaw Standards in this part of this guide. Where

#### **Section 903(5) of the *Local Government Act***

This section of the *Local Government Act* is applied to local governments through a Section 918 regulation. It allows regulated local governments to prohibit in the ALR the uses classified as intensive agriculture under Section 915 of the *Local Government Act*, provided they receive approval to do so by the minister responsible for the *Farm Practices Protection Act*. Section 915 overrides zoning bylaws that prohibit intensive agriculture in the ALR.

additional Farm Bylaw Standards are needed, local governments are encouraged to develop new ones in partnership with AGRI staff. Once the regulation is in effect, the local government must review any applicable bylaws within a three-year period and is expected to amend its bylaws to achieve consistency with Minister's Bylaw Standards where applicable. If local governments are requesting Section 918 regulation, then they may be requested to review and amend their bylaws before the regulation is made or before a Farm Bylaw or zoning bylaw restricting farming is approved.

The standards and the Minister's approval powers only apply to farm operations as defined under the *Farm Practices Protection Act* which are in the ALR, areas designated as farming areas under the *Farm Practices Protection Act* and licensed *aquaculture* areas. Although the Minister's approval is not involved, local governments are encouraged to use the standards in areas zoned for farming outside the ALR as well.

## 3.2 How does a community become regulated under Section 918 ?

A local government can become regulated under Section 918 of the *Local Government Act* in one of two ways:

a. **Local Government Initiated**

If a local government is interested in utilizing one or more of the Farm Bylaw Standards in this part of the guide, extinguishing Section 915 or restricting agriculture in some other way, it can request to become regulated under Section 918 through an Order in Council.

b. **Province Initiated**

If concerns arise around a particular bylaw or proposed bylaw that restricts farming or has the potential to restrict farming, Section 918 of the *Local Government Act* gives the Province the power to initiate regulation through an Order in Council. This process is likely to involve discussion with the local government beforehand.

If a local government is initiating the process, it should begin by having its staff consult AGRI's Strengthening Farming Program staff (visit the Program's **website** for contact information). Although the need to use a Farm Bylaw Standard is likely to be identified during bylaw updates, it is best if its enactment is preceded by a review of the local government's zoning bylaw and other bylaws affecting agriculture.

AGRI and ALC staff will provide assistance during the drafting of the proposed bylaw or amendment, drawing on their experience with similar processes in other parts of BC. It is also best to involve affected local farmers at an early stage. Once it is drafted, the approval process begins, during which the Minister will determine whether the bylaw conflicts with provincial interests, the Minister's Bylaw Standards, if the bylaw unreasonably restricts farming in farming areas, or if the restrictions are justified due to local circumstances or other benefits may be gained through the restrictions. Early involvement of AGRI staff in the process of developing or amending a bylaw will ensure that the provincial interests are known and will assist in developing the AGRI staff report that accompanies the bylaw submitted for Ministerial approval.

Once the Section 918 regulation is in effect, a comprehensive bylaw review process must take place within a three-year period to ensure that all bylaws affecting farming areas are compatible with existing Minister's Bylaw Standards and Farm Bylaw Standards. This process provides an opportunity to examine farming issues and develop regulations that can enhance land use compatibility and support farming in that jurisdiction. In cases where the local government requests regulation, the Ministry may require the review and amendment of inconsistent bylaws in advance of the regulation.



### 3.3 What is a Farm Bylaw Standard?

Local governments that are regulated under Section 918 can use the Farm Bylaw Standards in this part of this guide or work with AGRI staff to develop new standards that can be used to create a Farm Bylaw or amend their Zoning Bylaw. This approach allows local governments to concentrate on the parameters described in Section 917 of the *Local Government Act*. These are:

- a. the conduct of farm operations;
- b. the types of buildings, *structures*, equipment at farm operations;
- c. the siting of stored materials, waste facilities, and stationary equipment at farm operations;
- d. prohibiting specified farm operations.

Here are a few examples that illustrate where a Farm Bylaw might be used:

1. to regulate the use of a specific piece of farm equipment in order to mitigate conflicts with neighbours (e.g. *audible bird scare devices*);
2. to address land use conflict around sensitive adjoining uses such as urban residential areas (e.g. 'Edge Planning' along the ALR boundary);
3. to regulate the conduct of a farm operation with a high potential to create disturbances for neighbours (e.g. on-farm mushroom composting).

#### **Section 917(6) of the *Local Government Act***

This section of the *Local Government Act* means that a regulated local government must use a Farm Bylaw when creating a bylaw that affects farming areas.

#### **The AGRI Guide to Edge Planning**

AGRI's Guide to Edge Planning provides a series of tools for farm-side edge planning, which are available to local governments that have been regulated under Section 918. See Section 3.5.3 for more information.

### 3.4 How does the bylaw approval process work ?

If a bylaw restricts or prohibits an agricultural use or employs the Farm Bylaw powers, the local government is required to obtain the Minister's approval. In fact, once a local government is regulated under Section 918, any bylaw enacted through the LGA or the Community Charter that affects farming may be subject to approval.

Local governments are encouraged to involve AGRI and ALC staff at an early stage of bylaw development and to consult with agriculture industry affected by the bylaw. This consultation will assist local governments to address the provincial and agricultural interests during bylaw development and assist AGRI staff to prepare the report that accompanies the bylaw when it is submitted to the Minister for approval.

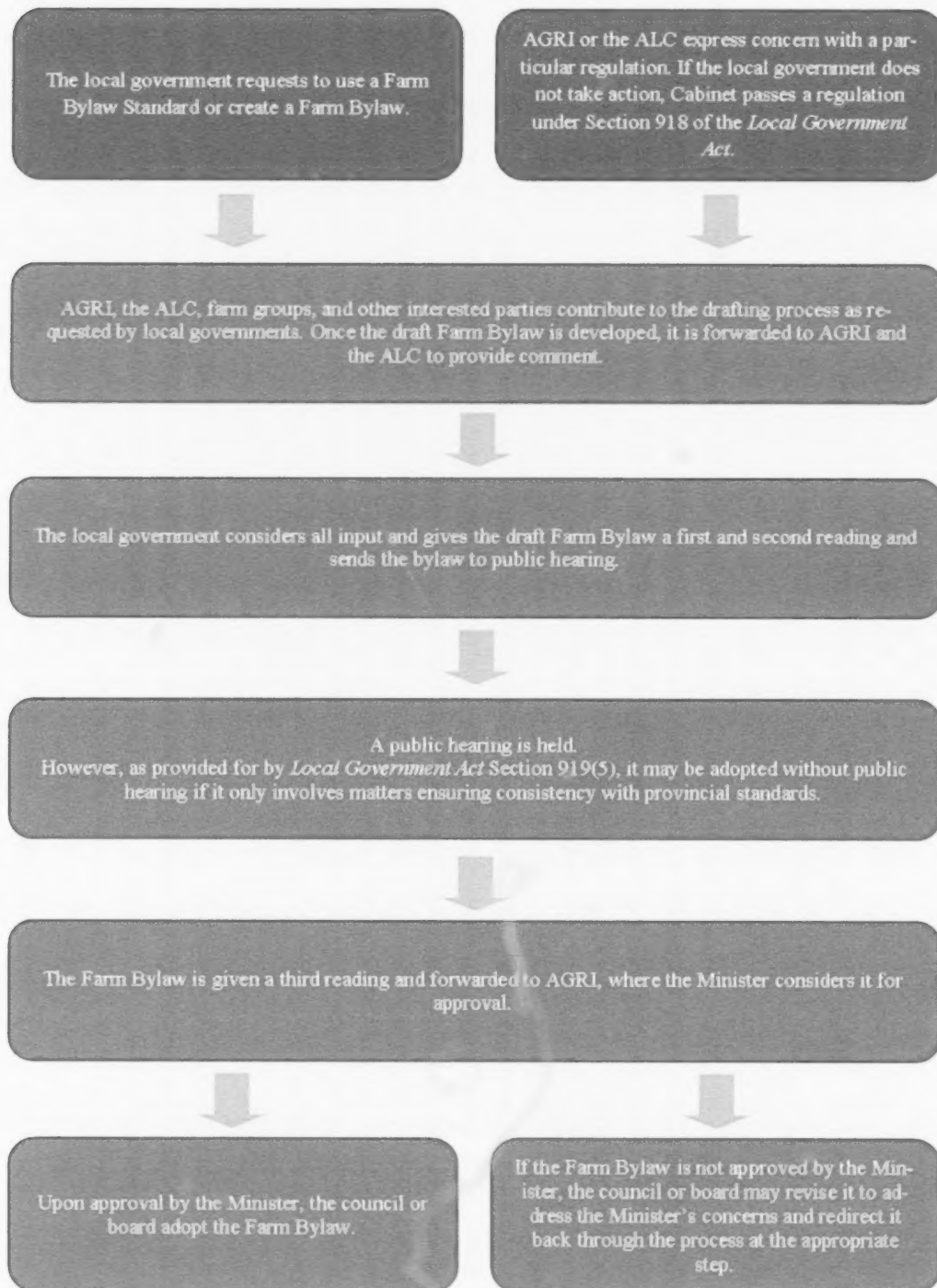
The formal bylaw approval process begins with local governments submitting the following documentation to AGRI:

- a. 2 certified copies of the bylaw after third reading;
- b. 1 cover letter indicating the type of bylaw and explaining the purpose of the bylaw;
- c. 1 copy of correspondence concerning the bylaw from the ALC;
- d. minutes of the public hearing (if one is held);
- e. any other relevant information (e.g. local government staff reports).

The Minister may approve or decline to approve the bylaw. Conditional approval is not an option. The bylaw review process (outlined in Diagram 1) should attempt to resolve all significant discrepancies between the proposed bylaw and provincial interest and the Minister's Bylaw Standards. In cases where matters are unresolved, the bylaw can still be submitted to the Minister for decision. Local governments are encouraged to outline any background or specific circumstances associated with portions of the proposed bylaw that restrict or prohibit farming beyond the standards. AGRI and/or ALC staff may also outline unresolved issues for the Minister's consideration.

If the bylaw is approved by the Minister, it will be returned to the local government for adoption. If the bylaw is not approved, the Minister generally provides reasons for the decision.

## Diagram 1 Farm Bylaw Review Process



## 3.5 Farm Bylaw Standards available to regulated local governments

### 3.5.1 Audible Bird Scare Devices

The use of *audible bird scare devices* to protect crops is often addressed by local government noise bylaws. The noise bylaw provides one avenue of enforcement for these devices. However, farm businesses using *audible bird scare devices* are protected from local government noise bylaws passed under sections 8 and 64 of the *Community Charter* or section 724 of the *Local Government Act* by the *Farm Practices Protection (Right to Farm) Act* (FPPA) if they are following 'normal farm practice'.

The Ministry has published Farm Practice factsheets describing proper and accepted farm practices that the BC Farm Industry Review Board may use to guide them in determining what is considered 'normal farm practice' under FPPA. This topic is described further on the Ministry's webpage. There are two factsheets describing the use of *audible bird scare devices* – one for South Coastal BC and one for the rest of the province (Interior BC).

If a local government is regulated under s.918 of the LGA, then it may adopt the noise bylaw under s.917 of the LGA making the noise bylaw a land use regulation. Farmers must follow land use regulations to obtain protection under FPPA. Regulated local governments may incorporate the elements of the Farm Practice factsheets on Wildlife Damage Control into Farm Bylaws. Model Bylaws are posted on the Ministry website for both South Coastal BC and Interior BC regions.

In addition, regulated local governments implementing edge planning may require a setback to an urban/ALR boundary of 300 m for *Category 'A' noise scare devices* (propane cannons) and 200 m for *Category 'B' noise scare devices*.

The South Coastal region includes Metro Vancouver, the Fraser Valley Regional District, and Vancouver Island. The Interior region includes the remainder of the province.

### 3.5.2 Mushroom Farms and On-Farm Composting

#### 3.5.2.1 Setback Distances

Farmers of new or expanding mushroom farms or composting operations should:

- locate the principal farm buildings, structures and areas (excluding roadways and parking lots) a minimum of 15 metres from the exterior and front lot lines, 7.5 metres from the interior and *rear lot lines*, 30 metres from *domestic water supplies*, and 15 metres from *natural watercourses* or *constructed ditches*.



- locate composting operation, compost storage and *agricultural waste* storage facilities a minimum of 30 metres from all *lot lines* and *domestic water supplies*, *natural watercourses*, *channelized streams* or *constructed ditches*.
- locate *liquid waste storage facilities* a minimum of 30 metres from all *lot lines*.
- locate water *detention ponds* a minimum of 7.5 metres from all *lot lines* and *domestic water supplies*, and 6 metres from *natural watercourses* or *constructed ditches*.
- locate non-manure based raw materials storage facilities 15 m from all lot lines, domestic water supplies, natural watercourses and constructed ditches.

### 3.5.2.2 Stormwater Management

Farmers of new or expanding mushroom farms or composting operations should:

- include a *stormwater* management plan prepared by a professional engineer who is licensed to practice in BC.
- ensure the plan indicates how the *mushroom farm operation site* is to be drained and graded to divert surface runoff water from buildings and *compost storage areas*.
- ensure the plan is designed to discharge post-development peak flows from the lot at the same rate as occurred before the farm operation was built or expanded.
- ensure the engineer reviews the impact of the proposed drainage system on the existing downstream drainage system and confirms that no negative impacts are anticipated on down-gradient properties.

### 3.5.2.3 Wastewater Management

Farmers of new or expanding mushroom farms or composting operations should:

- have a treatment and disposal system designed by a professional engineer licensed to practice in BC, with the treatment and disposal of *wastewater* meeting criteria established by the Ministry of Environment.
- include a *wastewater* maintenance, monitoring and performance plan that is acceptable to the applicable local government and the Ministry of Environment.
- have a professional engineer, licensed to practice in BC, conduct monitoring and generate reports within 3 months after the commencement of the operation, between 3 and 9 months after the commencement of the operation, and every 12 months following. It must be ensured that the samples of effluent discharged from the *wastewater* treatment system are collected and analyzed by a certified laboratory which can generate reports for review by the local government and the Ministry of Environment.
- be prepared to modify the *wastewater* facility or plan from time to time based on the monitoring results.

### 3.5.2.4 Raw Material Storage and Blending

Farmers of new or expanding mushroom farms or composting operations should:

- store raw materials on an impermeable surface that is covered by a roof to prevent exposure to rain.



- Store pure straw on an impermeable surface that may be uncovered provided any runoff from the area is included in the waste water management plan. The straw storage areas must be set back from property lines, natural watercourses, channelized streams and constructed ditches, similar to the procedure for non-manure based materials.
- Blend raw materials on an impermeable surface, which may be uncovered. All blended, ground or mixed materials must be transferred to the enclosed on-farm composting facility within the same calendar day as the commencement of the blending, grinding or mixing procedure.

#### 3.5.2.5 Composting Process

The on-farm composting process begins after the blending, grinding or mixing of two or more raw ingredients.

For the purposes of the Farm Bylaw *On-farm mushroom composting* means the production of a fresh growing medium for mushrooms where a minimum of 20% of the finished compost is produced and used on the same legal parcel where the mushroom operation is located.

Farmers of new or expanding mushroom composting operations should control odour by:

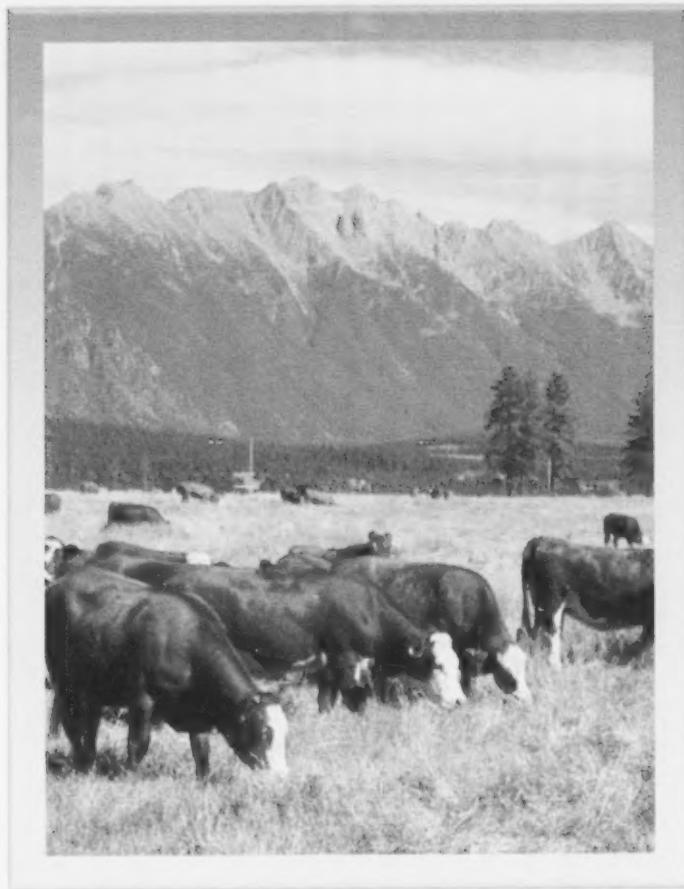
- Housing an on-farm composting process in a building with an impermeable floor and aeration system. Any building(s) containing the composting process must be operated with a negative pressure differential between the inside and outside of the building. Exhaust from the building(s) housing the composting process must be collected and treated through a biofilter that is designed by a professional engineer, licensed in the Province of British Columbia:
  - To remove a minimum of 90% of the odours; and
  - To comply with any requirement of the Ministry of Environment (or *Environmental Management Act*)
- Providing at the time of building permit application, a detailed maintenance and air quality monitoring program by a Professional Engineer, licensed in the Province of British Columbia.
- Having an air quality monitoring program which provides easy verification that the system, including the biofilter, is operating as designed. As a minimum, monitoring shall be conducted and reports shall be submitted:
  - At 3 months and 9 months following commencement of operations; and
  - Every subsequent 12 months.

### 3.5.3 Farm-side Edge Planning

Farm-side edge planning tools and implementation methods are available to regulated local governments to promote compatibility between farming and *urban areas*. Application of these tools requires the use of a farm bylaw. Local governments will need to engage the Ministry of Agriculture, as well as their local farmers, early in the process in order to develop and implement the most effective farm-side edge planning tools for their community. The suite of tools available under this section can be found in the Farm-Side Edge Planning section of the Ministry's Guide to Edge Planning (see Appendix A).



## Part 4 Definitions







## Definitions

Following are definitions of words, terms, and phrases that relate to the Minister's Bylaw Standards in this guide. Any words or phrases noted in italics in any part of the Guide can be found here. The definitions have been developed for incorporation into bylaws where appropriate but may also be used for reference purposes. The use of terminology in bylaws as prescribed in the definitions encourages greater consistency throughout the province. Commodity-specific information is available in the Farm Practice Reference Guide, available at:

<http://www.al.gov.bc.ca/resmgmt/fppa/refguide/intro.htm>

Definitions for both *agriculture* and *farm operation* are included here. The definition of *agriculture* is based on the ALC definition, while *farm operation* is based on that used in the *Farm Practices Protection (Right to Farm) Act*. Local governments are encouraged to choose one of these definitions for incorporation into bylaws.

### **Accessory Farm Building**

means a *farm building* that is normally incidental or subordinate to a *principal farm building* on the *farm unit*.

### **Accessory Farm Residential Facilities**

means the following *buildings*, structures or improvements associated with a *principal farm residence* or *additional farm residence* on a farm:

1. Attached or detached garages or carports
2. Driveways to residences
3. Decorative landscaping
4. Attached or detached household greenhouse or sunroom
5. Residential-related workshop, tool and storage sheds
6. Artificial ponds not serving farm drainage, irrigation needs or aquaculture use
7. Residential-related recreation areas such as, but not limited to, swimming pools and tennis courts.

### **Accessory Farm Structure**

means a *farm structure* that is normally incidental or subordinate to a *principal farm structure* on the *farm unit*.

### **Additional Farm Residence**

Means a *building* on a farm used as a home or residence by:

- A full-time employee of the farm and his/her spouse and children; or
- A member of the land owner's *immediate family*; or
- *Temporary farm worker(s)*.

<b>Agricultural Liquid Waste</b>	means a by-product of <i>agriculture</i> that contains less than 20% solids and includes <i>agricultural waste water</i> and silage juices.
<b>Agricultural Liquid Waste Storage Facility</b>	means a structure used to contain <i>agricultural liquid waste</i> or <i>aquacultural liquid waste</i> . An agricultural liquid waste storage facility can include a structure, reservoir, lagoon, cistern, gutter, tank or <i>bermed</i> area for containing agricultural waste prior to disposal or use for beneficial purposes.
<b>Agricultural Solid Waste</b>	means a by-product of <i>agriculture</i> that contains greater than 20% dry matter, and includes <i>manure</i> , used <i>mushroom medium</i> , and agricultural vegetation.
<b>Agricultural Solid Waste Storage Facility</b>	means a facility used to contain <i>agricultural solid waste</i> , or biosolids prior to its use or disposal, but does not include a vehicle or any mobile equipment used for transportation or disposal of <i>agricultural solid waste</i> . An agricultural solid waste storage facility can include a structure, tank or <i>bermed</i> area for containing agricultural waste prior to disposal or use for beneficial purposes.
<b>Agricultural Unit</b>	means an equivalent live farm animal weight corresponding to 455 kilograms (1000 pounds) for livestock, poultry or <i>farmed game</i> , or any combination of them equaling 455 kilograms as defined under the Code of Agricultural Practice for Waste Management, <i>Environmental Management Act</i> .
<b>Agricultural Waste</b>	means a by-product of <i>agriculture</i> and can include <i>agricultural waste water</i> , silage juices, <i>manure</i> , used <i>mushroom medium</i> , and agricultural vegetation.
<b>Agricultural Waste Storage Facility</b>	means an <i>agricultural solid waste storage facility</i> or an <i>agricultural liquid waste storage facility</i> .
<b>Agricultural Wastewater</b>	means water which contains any unwanted or unused products or by-products of <i>agriculture</i> such as milk, fertilizers, pesticides, detergents, acids, phosphates, chlorine, and <i>manures</i> .

**Agriculture**

means the use of land, buildings, and structures for any of the following:

- growing, producing, raising or keeping animals and plants, including apiculture, poultry and the growing of mushrooms and the primary products of those plants or animals, but does not include the breeding of pets or operating a Kennel;
- cultivation in plantations of any specialty wood crops or specialty fibre crops prescribed by the Minister responsible for Agriculture;
- turf production with approval under the *Agricultural Land Commission Act*, if required;
- raising or keeping of *farmed game* by a person licensed to do so under the *Game Farm Act*;
- raising or keeping of *furbearing animals* by a person licensed to do so under the *Fur Farm Act*;
- raising or keeping of exotic animals prescribed by the Minister responsible for Agriculture;
- a British Columbia licensed winery or cidery, provided that the use is in accordance with all conditions in the *Agricultural Land Commission Act*, as amended from time to time and all regulations or orders pursuant thereto;
- the following farm activities to enable uses (1) to (7) above of the farm on that Lot:
- clearing, draining, irrigating, or cultivating land;
- using farm machinery, equipment, devices, materials, and structures;
- applying fertilizers, manure, pesticides, biological control agents, including ground and aerial spraying; and
- storage of Agricultural Products and the products of *On-farm Processing* and *On-farm Product Preparation*.

**Agroforestry System**

Means a land management approach that purposefully integrates managing trees with crops or livestock, blending agriculture, silviculture and conservation practices in the same land use system. Examples, in the context of farmed areas, include *integrated riparian management systems*, *timberbelt systems*, or *forest farming systems*.

<b>Aquacultural Liquid Waste</b>	means a waste that contains less than 20% solids, is produced on a farm, and includes fish fecal material and residual fish food material.
<b>Aquaculture</b>	means the growing and cultivation of aquatic plants, or fish, for commercial purposes, in any water environment or in man-made containers of water, and includes the growing and cultivation of shellfish on, in, or under the foreshore or in the water.
<b>Aquatic Plants</b>	includes benthic and detached algae, marine flowering plants, brown algae, red algae, green algae, and phytoplankton.
<b>Audible Bird Scare Device</b>	means a device used to control or reduce the impact of wildlife on crops or livestock feed, and may include propane-fueled cannons or exploders, electronic warblers, bird distress call recorders, motorcycles, and firearms with various cracker or whistler shells.
<b>Berm</b>	means an artificial mound containing materials, such as soil, that may be used for buffering, retaining water, and diverting or stopping surface flows, including agricultural liquid waste and agricultural waste.
<b>Buffer</b>	means a device or feature arranged and maintained to screen or separate adjoining land uses or properties, and includes any combination of setbacks, existing vegetation, ditches, roads, landscaping, <i>berming</i> , and fencing.
<b>Building</b>	means any <i>structure</i> , wholly or partially enclosed by a roof or roofs supported by walls, columns or posts.
<b>Category 'A' Noise Scare Device</b>	means a device used to protect crops and feed that creates an impulse sound generated from impacts or explosions and includes propane-fueled cannons. Firearms and shell launchers such as orchard pistols are not included.
<b>Category 'B' Noise Scare Device</b>	means any stationary device used to protect crops and feed, not in Category 'A', which generates sounds to scare or disturb animals. Devices that broadcast animal calls or other sounds through loudspeakers are included in Category 'B'. Firearms and shell launchers such as orchard pistols are not included.

<b>Channelized Stream</b>	means a permanent or relocated stream that has been dredged, dyked, diverted or straightened and which carries drainage flows from headwaters or significant sources of <i>groundwater</i> . Reaches of channelized streams may be confined by roads and fences and may meander through fields. Channels that divert irrigation water from a stream, but return overflow water back to a stream in a manner that allows fish access, are classified as channelized streams.
<b>Chemical Storage</b>	means a <i>structure</i> used to store or contain chemicals including fuel, fertilizers, insecticides, fungicides, or herbicides used in agricultural production.
<b>CHP</b>	means a combined heat and power engine that produces both electricity and thermal energy for heating or cooling from a single fuel input.
<b>CHP efficiency</b>	Means useful energy output divided by fuel input, based on a 100% load.
<b>Cogeneration Facility</b>	means the CHP engine and all additional components needed to achieve the production and transfer of heat and electricity from the engine to the <i>greenhouse</i> or interconnection site.
<b>Compost</b>	means a product of <i>composting</i> , ready for agricultural use as a fertilizer, soil amendment, artificial topsoil, or growing medium.
<b>Compost Storage Area or Facility</b>	means a <i>farm area</i> or facility used to store finished <i>compost</i> and can include an impermeable pad.
<b>Composting</b>	means the biological degradation or breakdown of organic matter.
<b>Confined Livestock Area</b>	means an outdoor, non-grazing area where <i>livestock</i> , <i>poultry</i> , or <i>farmed game</i> are confined by fences, other <i>structures</i> or topography, and includes <i>feedlots</i> , paddocks, corrals, <i>exercise yards</i> , and holding areas, but does not include a <i>seasonal feeding area</i> .
<b>Constructed Channel</b>	means a man-made channel that carries drainage water from <i>more than one</i> property but does not carry water from headlands or significant sources of <i>groundwater</i> . Flows in agricultural constructed channels may be year-round and are not regulated. Constructed channels may also divert water for irrigation purposes.



<b>Constructed Ditch</b>	means a man-made channel that carries drainage water from <i>one</i> property only but does not carry water from headlands or significant sources of <i>groundwater</i> . Flows in agricultural constructed ditches may be year-round and are not regulated. Constructed ditches may also divert water for irrigation purposes.
<b>Dairy Animal</b>	means an animal kept for the production of milk or farm-separated cream or any milk product, and includes cows, goats, and sheep.
<b>Detention Pond</b>	means a water body, either constructed or natural, used to store water, including storm water runoff or snowmelt but excluding <i>agricultural wastewater</i> , for later use or release into a drainage system.
<b>Direct Farm Marketing</b>	means the selling or distribution of <i>farm products</i> directly to consumers from a <i>farm unit</i> .
<b>Direct Farm Marketing Area</b>	means the indoor or outdoor area used to display <i>farm products</i> or other products for sale, including space for circulation, counter space for the purchase of goods, and space for the service and consumption of food items, but excluding office space, wholesale storage space, processing facilities, and public washrooms.
<b>Domestic Water Supply</b>	means a supply of water used for normal household requirements, including sanitation, human consumption, and food preparation.
<b>Exercise Yard</b>	means an area used to exercise horses and other livestock, and includes outdoor equestrian riding arenas and training tracks.
<b>Farm Building</b>	means any <i>building</i> which is used in a <i>farm operation</i> .
<b>Farm Business</b>	means a business in which one or more <i>farm operations</i> are conducted, and includes a farm education or farm research institution to the extent that the institution conducts one or more <i>farm operations</i> .
<b>Farm Class</b>	means a designation given to a lot or part of a lot that is classified as a "farm" under the <i>BC Assessment Act</i> .

**Farm Operation**

as defined under the *Farm Practices Protection (Right to Farm) Act*, means any of the following activities involved in carrying on a *farm business*:

1. growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
2. clearing, draining, irrigating or cultivating land;
3. using farm machinery, equipment, devices, materials, and structures;
4. applying fertilizers, manure, pesticides and biological control agents, including by either ground or aerial spraying;
5. conducting any *other agricultural activity* on, in, or over agricultural land, and includes:
6. intensively cultivating in plantations, any
7. specialty wood crops, or
8. specialty fibre crops prescribed by the minister;
9. conducting turf production in an agricultural land reserve with the approval under the *Agricultural Land Commission Act* of the Provincial Agricultural Land Commission;
10. *aquaculture* as defined in the *Fisheries Act* when carried on by a person licensed under Part 3 of that Act to carry on the business of *aquaculture*;
11. raising or keeping game, within the meaning of the *Game Farm Act*, by a person licensed to do so under that Act;
12. raising or keeping furbearing animals, within the meaning of the *Fur Farm Act*, by a person licensed to do so under that Act;
13. processing or direct marketing by a farmer of one or both of
14. the products of a farm owned or operated by the farmer, and
15. within limits prescribed by the minister, of products not of that farm, to the extent that the processing or marketing of those products is conducted on the farmer's farm;

but does not include:

16. an activity, other than grazing or hay cutting, if the activity constitutes a forest practice as defined in the *Forest Practices Code of British Columbia Act*;
17. breeding pets or operating a kennel;

18. growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the minister.

<b>Farm Product</b>	means a commodity or good derived from the cultivation or husbandry of land, plants, or animals (except pets and exotic animals) that are grown, reared, raised or produced on a farm.
<b>Farm Residential Footprint</b>	means the portion of a lot that includes a <i>principal farm residence</i> , <i>additional farm residence</i> and its <i>accessory farm residential facilities</i> .
<b>Farm Structure</b>	means any <i>structure</i> that is part of a <i>farm operation</i> .
<b>Farm Unit</b>	means an area of land used for a <i>farm operation</i> consisting of one or more contiguous or non-contiguous lots, that may be owned, rented or leased, which forms and is managed as a single farm.
<b>Farmed Game</b>	means any animal held under the authority of a licence under the <i>Game Farm Act</i> and includes fallow deer, bison, and reindeer.
<b>Farming Area</b>	means an area of land that <ol style="list-style-type: none"><li>1. is in the Agricultural Land Reserve; or</li><li>2. is crown land designated as a farming area under the <i>Farm Practices Protection (Right to Farm) Act</i>;</li><li>3. is affected by a valid and subsisting licence for <i>aquaculture</i> under the <i>Fisheries Act</i>.</li></ol>
<b>Feedlot</b>	means a fenced area where <i>livestock</i> , <i>poultry</i> , or <i>farmed game</i> are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing.
<b>Fish</b>	means an aquatic animal and applies, as defined in the <i>Riparian Areas Regulation</i> , to all life stages of salmonids, game fish and regionally significant fish.
<b>Floor Area – Farm Residence(s)</b>	means the total combined area of all floors contained within the exterior walls of all farm residences on a lot, including outdoor and indoor household greenhouses and sunrooms, but excluding cellars with a ceiling height less than 1.95 metres and attached or detached garages or carports to a maximum of 42 square metres for a farm residence.

<b>Forest Farming System</b>	means an <i>agroforestry system</i> in which intentional manipulation is practiced through sustainable, integrated cultivation of both timber and shade-requiring non-timber crops in managed forested areas on agricultural lands.
<b>Fur Farm</b>	means a place in which two or more <i>furbearing animals</i> are kept in captivity.
<b>Furbearing Animal</b>	means an animal that is wild by nature, kept in captivity, and whose pelt is commonly used for commercial purposes, but does not include a species of animal excluded by regulation under the <i>Fur Farm Act</i> .
<b>Game Bird</b>	means guinea fowl, pheasant, partridge, pigeon, quail, silkie, squab, or tinamou.
<b>Grazing Area</b>	means a pasture or rangeland where <i>livestock, poultry</i> or <i>farmed game</i> are primarily sustained by direct consumption of feed growing in the area.
<b>Greenhouse</b>	means a <i>structure</i> covered with translucent material and used for the purpose of growing plants, which is of sufficient size for persons to work within the <i>structure</i> .
<b>Groundwater</b>	means water that fills all the unblocked pores of underlying material below the water table at the upper limit of saturation.
<b>Home Plate</b>	means a <i>farm residential footprint</i> .
<b>Honey House</b>	means a <i>farm structure</i> where honey extraction occurs or where hive equipment is stored.
<b>Immediate Family</b>	means, with respect to an owner, the owner's <ul style="list-style-type: none"><li>• parent, grandparent, and great grandparents;</li><li>• spouse, parents of spouse and stepparents of spouse;</li><li>• brothers and sisters; and</li><li>• children, stepchildren, grandchildren and great grandchildren.</li></ul>
<b>Impervious Surface</b>	means a building or constructed surface made of concrete, asphalt, plastic or other material that does not permit water to soak into the underlying ground.

<b>Integrated Riparian Management System</b>	means an <i>agroforestry system</i> in which management is carried out in areas bordering watercourses to enhance and protect aquatic resources while generating economic benefit through the production of timber and non-timber forest products.
<b>Land-Based Aquaculture</b>	means <i>aquaculture</i> conducted in a facility built on uplands.
<b>Lane</b>	means a road allowance of less than 10.0 metres in width.
<b>Livestock</b>	means cattle, horses, sheep, goats, swine, rabbits, and <i>fish</i> .
<b>Lot Line</b>	means the legally defined limit of any lot including that formed by any <i>highway</i> , except where a lot is adjacent to an unsurveyed <i>highway</i> in which case it is defined by a line 10.0 metres on either side of the centerline of the driven portion of that <i>highway</i> .
<b>Lot Line – Edge</b>	means any <i>lot line</i> separating an <i>urban area</i> from a <i>farming area</i> .
<b>Lot Line – Exterior</b>	means a <i>lot line</i> , not a <i>front</i> or <i>rear lot line</i> , that is common with a <i>street</i> .
<b>Lot Line – Front</b>	means the cumulative lines common to a lot on an abutting <i>street</i> but not a <i>lane</i> .
<b>Lot Line - Interior</b>	means a <i>lot line</i> , not a <i>front</i> , <i>exterior</i> or <i>rear lot line</i> , that is common to another lot, a <i>lane</i> , or a <i>walkway</i> .
<b>Lot Line – Rear</b>	means the <i>lot line</i> opposite to, not adjoining and most distant from the <i>front lot line</i> , and that approximately spans the width of the lot.
<b>Machine Storage Building</b>	means a <i>building</i> used to store, repair, or maintain farm machinery.
<b>Manufactured Home</b>	means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.



<b>Manure</b>	means waste material excreted from animals, including <i>livestock, poultry, farmed game</i> and <i>furbearing animals</i> .
<b>Manure, Liquid</b>	means <i>manure</i> that contains less than 20% solids and will flow if piling is attempted.
<b>Manure, Solid</b>	means <i>manure</i> that contains greater than 20% solids.
<b>Marine Plants</b>	includes seaweeds such as nori, kelp, and sea asparagus.
<b>Milk House</b>	means a <i>farm building</i> or <i>farm structure</i> used to cool or store milk or farm-separated cream and used to clean, sanitize, and store milking equipment for the production and storage of milk or farm-separated cream.
<b>Milking Facility</b>	means a <i>farm building</i> or a <i>farm structure</i> on a dairy farm, and includes milking barns, milking rooms, <i>milking parlours</i> , and <i>milk houses</i> .
<b>Milking Parlour</b>	means a <i>farm building</i> or a <i>farm structure</i> where the milking of <i>dairy animals</i> occurs, but where no animals are housed.
<b>Mortalities</b>	means <i>livestock, poultry, farmed game, or furbearing animals</i> that have died and that are unmarketable.
<b>Mushroom Medium</b>	means a composted mixture that is used for growing mushrooms.
<b>Mushroom Farm Operation Site</b>	means that portion of the lot used to contain a mushroom growing operation, including all buildings, structures, agricultural liquid waste storage facilities, and detention ponds, and includes impervious surface areas such as impervious parking lots used for the <i>farm operation</i>
<b>Natural Stream</b>	means a <i>watercourse</i> that has not been significantly altered by human activity and is predominantly in its natural state.
<b>Non-Manufactured Home</b>	means a site-built detached dwelling on a permanent foundation constructed in compliance with the BC Building Code standards applicable to residential occupancy.

**Nursery**

means a *farm operation* where woody ornamental or herbaceous perennial plants are grown outdoors or in removable overwintering polyhouses, cold frames, and hot beds.

**On-Farm Composting**

means *composting of agricultural waste* or raw materials, which may include *manure*, straw, vegetative waste, *wood waste*, ground paper, other sources of carbon and nitrogen, and bulking agents, but does not include production of mushroom medium, on the *farm unit* to generate finished *compost* where:

- 100% of the raw materials or *agricultural wastes* used for *composting* originate off the *farm unit* and the finished *compost* is used on that *farm unit*; or
- *more than 50% of the raw materials or agricultural wastes used for composting* originate on the *farm unit* and the finished *compost* is either used on that *farm unit* or distributed or sold off the *farm unit*; or
- *less than 50% of the raw materials or agricultural wastes used for composting* originate on the *farm unit* and more than 50% of the finished *compost* is used on that *farm unit*.

**On-Farm Mushroom Composting**

For the purposes of the Farm Bylaw *On-farm mushroom composting* means the production of a fresh growing medium for mushrooms where a minimum of 20% of the finished compost is produced and used on the same legal parcel where the mushroom operation is located. (refer to Farm Bylaw Standard in Section 3.5.2).

**On-Farm Processing**

means the undertaking of processes, including mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, and biological treatments, on a *farm unit* to:

- prepare *farm products* or value-added products to sell, or
- prepare feed for *livestock, poultry, farmed game, or furbearing animals* located on the farm

but excludes on-farm composting, on-farm product preparation, and on-farm soilless medium production.

**On-Farm Product Preparation**

means cleaning, sorting, separating, grading, or packing *farm products* on a *farm unit*.

**On-Farm Soil-less Medium Production**

means the production of *soilless medium* on a *farm unit*, where:

1. 100% of the raw materials used for *soilless medium* production originate off the *farm unit* and the finished medium is used on that *farm unit*; or
2. more than 50% of the raw materials used for *soilless medium* production originate on the *farm unit* and the finished medium is either used on that *farm unit* or distributed or sold off the *farm unit*; or
3. less than 50% of the raw materials used for *soilless medium* production originate on the *farm unit* and more than 50% of the finished medium is used on *that farm unit*.

**On-Farm Storage**

means the storage of *farm products* on a *farm unit*, where, over a 12-month period, more than 50% of *farm products* stored on the *farm unit* are used, produced, grown, or raised on the *farm unit*.

**Open Burning**

means the combustion of material with or without control of combustion air, and without a stack or chimney to vent the emitted products of combustion into the atmosphere.

**Other Agricultural Activity**

means an activity that is part of farming, including *on-farm composting*, *on-farm soilless medium production*, *on-farm product preparation*, and crop protection using *wind machines* or *audible bird scare devices*.

**Poultry**

means domesticated birds kept for eggs, meat, feathers, hide, or cosmetic or medicinal purposes, and includes broilers, Cornish hens, layers, breeding stock, replacement pullets, roasters, ducks, geese, turkeys, *game birds*, and *ratites*.

**Principal Farm Building**

means any *farm building* intended to accommodate the main use or uses of the *farm unit* but does not include any accessory farm buildings.

**Principal Farm Structure**

means any *farm structure* intended to accommodate the main use or uses of the *farm unit*.

**Principal Farm Residence**

means the main *building* used to accommodate a resident but does not include *Temporary Farm Worker Housing*.

**Qualified Environmental Professional (QEP)**

means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

1. the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association, and
2. the individual's area of expertise is recognized in the *Riparian Areas Regulation* assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of a development proposal, and
3. the individual is acting within that individual's area of expertise.

**Ratite**

means a bird that has small or rudimentary wings and no keel to the breastbone, and includes ostriches, rheas, and emus.

**Ravine**

means a small, narrow, steep-sided valley with a slope greater than 3:1 and which has been created by the natural flow of a stream.

**Residence**

means a permanent or seasonal home on a lot.

**Restrictive Covenant**

means a legal agreement completed according to the *Land Title Act*.

**Riparian Area**

means a streamside protection and enhancement area.

**Riparian Vegetation**

means vegetation, other than agricultural crops, that is adjacent to a watercourse in the transitional zone between aquatic and upland environments.

**Seasonal Feeding Area**

means an area:

1. used for forage or other crop production, and
2. used seasonally for feeding *livestock, poultry, or*

	<i>farmed game</i> that is primarily sustained by supplemental feed but does not include a confined livestock area or grazing area.
<b>Shellfish</b>	means an invertebrate <i>fish</i> and includes clams, oysters, crabs, shrimp sea urchins, and sea cucumbers.
<b>Soil-less Medium</b>	means a material that is manufactured for the growing of plants and may contain natural soils or organic compounds such as peat and bark.
<b>Solid Agricultural Waste</b>	means agricultural waste that: a. contains 20% or more solids, and b. will not flow when piled.
<b>Statutory Declaration</b>	means a document that is covered under the <i>Evidence Act</i> .
<b>Stormwater</b>	means any precipitation converted to surface runoff water
<b>Stream</b>	means, as defined in the <i>Water Act Regulation</i> , a <i>watercourse</i> or natural source of water supply, whether usually containing water or not, and includes <i>groundwater</i> , lakes, rivers, creeks, springs, <i>ravines</i> , swamps, wetlands, and gulches.
<b>Street</b>	means a road allowance of 10.0 metres or more in width.
<b>Structure</b>	means any construction fixed to, supported by, or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing of a lot.
<b>Temporary Farm Worker(s)</b>	means an individual or individuals who carry out agricultural work on a temporary, seasonal basis on a <i>farm operation</i> and are registered with a federal government temporary worker program.
<b>Temporary Farm Worker Housing</b>	means accommodation that is used solely for the purpose of providing cooking, sanitary, and sleeping facilities to temporarily house <i>temporary farm worker(s)</i> on a <i>farm operation</i> as necessary for the agricultural labour needs of a <i>farm operation</i> or other farms, if permitted.



<b>Temporary Farm Worker Housing Space</b>	means the area for housing one Temporary Farm Worker.
<b>Timberbelt System</b>	means an <i>agroforestry system</i> in which multiple rows of trees are planted for both environmental protection and the production of traditional agricultural crops, timber and non-timber forest products.
<b>Top of Bank</b>	means the first break in a bank slope such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured horizontally from the break. For multiple banks, setback distances will be measured from the top of the bank that is farthest from the center of the stream.
<b>Urban Area</b>	means land that is not in the Agricultural Land Reserve (ALR) that is currently zoned for residential, commercial, or institutional purposes, but not for industrial purposes.
<b>Walkway</b>	means a surfaced area for the exclusive use of pedestrians, but excludes a sidewalk.
<b>Wastewater</b>	means any water emanating from the mushroom growing process, and includes process water, wash water, compost leachate, and contaminated <i>stormwater</i> .
<b>Water-Based Aquaculture</b>	means <i>aquaculture</i> conducted in a facility on or in an open body of water such as a lake or marine intertidal foreshore or offshore area.
<b>Watercourse</b>	means, as defined in the <i>Water Act Regulation</i> , a stream or natural source of water supply, whether usually containing water or not, and includes <i>groundwater</i> , lakes, rivers, creeks, springs, ravines, swamps, wetlands, and gulches.
<b>Wind Machine</b>	means a machine used to generate air movement to protect crops, including tree fruits and grapes, from frost damage.
<b>Wood Waste</b>	means wood materials including hog fuel, mill ends, wood chips, bark, and sawdust, but excluding demolition waste, construction waste, tree stumps, branches, logs, and log ends.

## Appendix A: Resources





## Further Resources

### Siting and Size of Residential Uses

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local governments in developing bylaws relating to the siting and size of residential uses in the ALR. A discussion paper was prepared to explain the rationale for establishing this Minister's Bylaw Standard and is provided on the Strengthening Farming website at: [http://www.agf.gov.bc.ca/resmgmt/sf/residential\\_uses\\_in\\_ALR\\_consultation/residential\\_uses\\_index.htm](http://www.agf.gov.bc.ca/resmgmt/sf/residential_uses_in_ALR_consultation/residential_uses_index.htm), along with consultation materials and a survey which formed the basis for the development of the standard.

### Temporary Farmworker Housing

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local government bylaw development regulating temporary farmworker housing. A discussion paper explaining the rationale for establishing the standard as well as other materials used during the consultation process may be found on the Strengthening Farming website at: [http://www.agf.gov.bc.ca/resmgmt/sf/publications/800221-1\\_Temp\\_Farm\\_Worker\\_Housing\\_Mar09.pdf](http://www.agf.gov.bc.ca/resmgmt/sf/publications/800221-1_Temp_Farm_Worker_Housing_Mar09.pdf)

### Combined Heat and Power Generation at Greenhouses

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local government bylaw development regulating combined heat and power generation (cogeneration) at greenhouses in the ALR. A discussion paper explaining the rationale for establishing the standard as well as other materials used during the consultation process may be found on the Strengthening Farming website at: [http://www.agf.gov.bc.ca/resmgmt/sf/co\\_generation\\_in\\_ALR\\_standard/co\\_gen\\_standard\\_index.htm](http://www.agf.gov.bc.ca/resmgmt/sf/co_generation_in_ALR_standard/co_gen_standard_index.htm)

### Guide to Edge Planning

The Minister of Agriculture has established a Minister's Bylaw Standard to guide local governments in developing bylaws for the purpose of increasing compatibility between urban and agricultural uses. The Guide to Edge planning can be found on the Strengthening Farming website at: [http://www.agf.gov.bc.ca/resmgmt/sf/publications/823100-2\\_Guide\\_to\\_Edge\\_Planning.pdf](http://www.agf.gov.bc.ca/resmgmt/sf/publications/823100-2_Guide_to_Edge_Planning.pdf)  
The Guide contains provisions for both urban-side edge planning as well as farm-side edge planning.

